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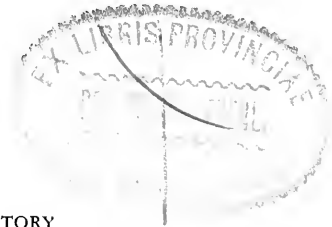
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CONTENTS OF VOLUME XXXVI

ARTICLES

PRESIDENTS AND CONSTITUTIONS IN THE AMERICAS. <i>Joseph Menez</i>	3
THE CLEVELAND CONVENTION, 1864, AND RADICAL DEMOCRATS. <i>William Frank Zornow</i>	39
"TURNER, AS I REMEMBER HIM." <i>Wilbur R. Jacobs</i>	54
PRESIDENTS AND CONSTITUTIONS IN THE AMERICAS, PART II. <i>Joseph Menez</i>	75
MEXICO: PRESIDENT AND CONSTITUTION. <i>Stephen S. Goodspeed</i>	96
SANDINO: DEATH AND AFTERMATH. <i>Joseph O. Baylen</i>	116
JOHN WENTWORTH AND ANTI-SLAVERY IN CHICAGO TO 1856. <i>Stanley L. Jones</i>	147
JESUIT EXILES, PRECURSORS OF MEXICAN INDEPENDENCE? <i>Ernest J. Burrus</i>	161
THE ANTE-BELLUM POPULATION, 1830-1860. <i>William I. Greenwald</i>	176
IRISHMEN IN NORTHERN INDIANA BEFORE 1850. <i>Elfrieda Lang</i>	190
THE PAXTON BOYS: PARKMAN'S USE OF THE FRONTIER HYPOTHESIS. <i>Dean Moor</i>	211
THE POTAWATOMI MISSION 1854. <i>Hubert Jacobs, S.J.</i>	220
DOCUMENT—FATHER GAILLAND'S LETTER.	227
TRANSLATION BY JEROME V. JACOBSEN.	237
BOOK REVIEWS	62, 140, 199, 249
NOTES AND COMMENTS	203, 254
INDEX	261



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VOLUME 36, NUMBER 1

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NEW SERIES, VOLUME 25

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CONTENTS

PRESIDENTS AND CONSTITUTIONS

IN THE AMERICAS *Joseph Menez* 3

THE CLEVELAND CONVENTION, 1864,

AND RADICAL DEMOCRATS *William Frank Zornow* 39

"TURNER, AS I REMEMBER HIM"

. *Wilbur R. Jacobs* 54

BOOK REVIEWS 62

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Presidents and Constitutions in the Americas

Introduction

In each of the nations of the two Americas the constitution is a highly important instrument of government, but the usage of a federal constitution in Latin America is vastly different from its usage in the United States. Scholars and citizens throughout the Western Hemisphere are abundantly acquainted with the difference between the Latin American constitutions in print and in operation. The student of governments notices in Latin American constitutionalism the lack of an orderly constitutional process, which is there characterized by Personalism and in the United States is characterized by institutionalism, there variable and pliable according to the power of the president, here regulating all institutions including the President, there a source of insecurity, while here the basis of security. There has been no dictator who has not professed constitutionalism, but who has resorted to *coups*, *gritos*, *pronunciamientos*, states of "siege" and, most recently, *continuismo*, "in the name of the constitution and democracy." Latin Americans claim frequently that they resort to political violence not because they love the constitution less, but, because they love it more, thus making a Lockean appeal to heaven for the removal of a tyrannical government.

The legal, systematic, continuous and authoritative government emerging in the United States from constitutional procedure has made our Constitution a symbol to which citizens owe their allegiance. As a result of a genuine belief in the sanctity of this fundamental law of the sovereign people, even a popular president

may not tamper with it. In Latin America there is no such comprehension of a constitution. Rather it is a written ideal toward which people are striving. It is a program of what should be done under certain ideal conditions, and only when the conditions shall have been met will a constitution enjoy unalterable respect. A government generally consists of a leader who is over the constitution. For nearly a century and a half they have been described as *Caudillismo*, *Callismo*, or *Peronismo*.

The many causes that have prohibited, inhibited, or retarded the growth of the constitutional process have been weighed in various books and more recently have been discussed in a series of excellent articles on the pathology of democracy in Latin America.¹ Party life is underdeveloped, for not the organization but the chief governs. The idea of compromise on party issues is occasional but unique, and political shibboleths of the violent "campaigns" are regularly: "Death to Pablo! Long Live Pedro!" Adherents of Pedro must remain so even to the death and his enemies must forever plot his fall. In sum, what Christensen² calls the "climate" of party government in the United States is in detail conspicuously absent in Latin America: the party platform, the wide franchise, an informed electorate, the campaign debate, freedom of speech, candidate selection, the secret balloting on election day, and the acceptance of defeat.

The results of the long years of rubber stamp congresses, emasculated constitutions, military elections, and frustrated citizenry are the present challenge to not only the individual republics but to the North Americans and Europeans with whom they are so closely tied by international treaties. The lack of the continuous authority in government and legislation in the individual units of a world plan diminishes the security of the whole body and all its works. Without a legislature more powerful than an executive and without a sturdy judiciary, any one of the republics is, if not nominally, actually in the camp of the enemy isms of Europe. This menace to world security is widespread and would be universal were it not for several notable exceptions, as Chile and Uruguay, where the legislatures

¹ Arthur P. Whitaker, "A Historian's Point of View," *American Political Science Review*, XLIV, No. 1, (March 1950), 101-118; Russell Fitzgibbon, "A Political Scientist's Point of View," 118-129; Sanford A. Mosk, "An Economist's Point of View," 129-142; W. Rex Crawford, "Discussion: A Sociologist's Point of View," 143-147.

² Asher N. Christensen, ed., *The Evolution of Latin American Government*, New York, 1951, in his paper, "The General Nature of Political Parties in Latin America," 501.

are powerful. A Latin American congress is not sure of the role it must play or how long it is to play the role, nor is it sure of the relationship between its legislation and that of the past and future.

Although the framers of our Constitution accepted the theory of the separation of powers they realized that an absolute separation would be impractical and unwise. The executive, legislative and judicial "branches" as established are distinct and independent, but they are also coordinate.³ The President's constitutional legislative powers over Congress as codified do not reveal the whole story, since he influences Congress as a result of the great prestige of his office. As chief of his party, an institution not foreseen by the founding fathers, his power has steadily increased. The Supreme Court has gone far in permitting Congress to delegate legislative power to the President, but it has, on occasion, declared some delegations unconstitutional.⁴

The framers of Latin American constitutions were in general the executives of the time. There was no question of surrender of some state rights to the federal authority, but rather there was the assignment of rights by the central government to the states. The executive by the constitution generally has come by very extensive legislative powers. These stem partly from the ministerial-parliamentary form of government where such is used, and partly from traditionally strong executives where the presidential system is in vogue.⁵ The

³ Robert S. Rankin, ed., *The Presidency in Transition*, Gainesville, Florida, 1949, the article by Wilfred E. Binkley, "The President and Congress," 69.

⁴ E. E. Schattschneider, *Party Government*, New York, 1942, 7-8; Dayton McKean, *Party and Pressure Politics*, Boston, 1949, 23; John H. Ferguson and Dean E. McHenry, *The American System of Government*, New York, 1942, 325; Robert Eugene Cushman, *Leading Constitutional Decisions*, New York, 1950, 275-277, has an excellent introduction on unconstitutional delegations such as the case of *Schechter v. United States* 293 U. S. 495.

⁵ In Latin America features of both the presidential and parliamentary forms of governments are used: ministerial and cabinet responsibility, congressional interpellations, countersignature, executive law-making power, show parliamentary forms, while presidential forms will appear throughout this paper. The attempt to wed these hybrid systems has not worked out well: William S. Stokes, "Parliamentary Government in Latin America," and Russell H. Fitzgibbon, "Our Municipal Neighbors to the South," and "Executive Power in Central America," in Christensen, *Evolution of Latin American Government*, 467, 495, 405; Ernest Hambloch, *His Majesty, the President: A study of Constitutional Brazil*, New York, 1936, 83.

The constitutions used are those found in Amos J. Peaslee, ed., *Constitutions of Nations*, 3 vols. Concord, 1950, Russell H. Fitzgibbon, ed., *Constitutions of the Americas*, Chicago, 1948 as well as the recent constitutions of Argentina, Costa Rica, and Uruguay published by the Pan American Union. In the case of Uruguay, the writer used the 1934 Constitution as well as the 1951 Constitution. In an area where constitution-making is

influence of the constitutions of France and of the United States⁶ and of the parliamentary system of Great Britain is quite noticeable in the exterior form of the constitutions, but the practice eliminates further similarity.

The magnitude of the task challenging Latin Americans can best be seen by comparing in some detail the powers of the executive here and to our south, and secondly, by comparing the relations of the executive branch to the legislative.

Part I

The Congress of the United States opens annually on January 3, according to Amendment XX, Section I. The President has no control over its opening. By the Legislative Reorganization Act of 1946, it adjourns on the last day of July except in case of war or national emergency. Congress can change this and thus legally extend the session through to the following January 3. In other words once opened it could absorb the whole calendar year, adjourning just before the commencement of the next Congress, as was the case in World War II. The President is not required by law or by custom to be present when Congress officially opens or closes. The President in Latin America, by contrast, convenes the annual regular session in some of the states.⁷ The regular Argentine session begins on May 1 and ends September 30. The President can refuse to call a session, and hence postpone it, until its adjournment date. While no President has ever done so, short delays are frequent. One year the Congress opened June 7.⁸ According to Estrada the opening of the Argentine Congress by the President is somewhat offensive in a republic, though quite natural for a parliamentary monarchy such as Britain. It would not be so bad, he continues, if the opening were merely ceremonial, but actually it is necessary for the proper

frequent, as in Latin America, recourse to constitutions as of a set day is necessary. For the Spanish texts of the constitution the writer used the older collection by Maria Lazcano y Mazon Andrés, *Constituciones Políticas de America*, 2 vols. La Habana, 1942, as well as official Spanish editions.

⁶ Charles E. Chapman, "The Age of the Caudillos," and Russell H. Fitzgibbon, "Constitutional Development in Latin America: A Synthesis," in Christensen, 81, 214.

⁷ In Argentina (Art. 83, cl. 11), Costa Rica (Art. 140, cl. 14), Ecuador (Art. 92, cl. 4), Peru (Art. 154, cl. 4).

⁸ Austin F. Macdonald, *Government of the Argentine Republic*, New York, 1942, 201; Christensen, *Evolution of Latin American Government*, 449; C. A. Novarro and H. F. Hroncich, *Derecho Constitucional Argentino y Comparado*, Buenos Aires, 1939, 289.

functioning of the legislative power.⁹ The constitution, leaving the matter to practice, does not provide the form by which congress is convened nor the manner in which the executive opens it.¹⁰ The President of Panama has the duty, Article 143, clause 5, of seeing that the National Assembly meets on the day indicated by the Constitution.

The President of the United States, in Article 2, Section 3, can dissolve Congress only when they cannot agree on a date of adjournment. This, however, has never happened. There have been suggestions providing for the President's dissolving Congress and for giving the President more power but the effectiveness of such power is discounted by some authors.¹¹ In several Latin American states the president closes the regular sessions of congress.¹²

Messages to Congress

The President, says the Constitution of the United States, "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."¹³ There is a double requirement here, one, to report to the nation on the state of the Union, and two, to recommend legislation to Congress. Such messages look to the future with problems to be solved rather than to action already taken. The first state of the Union address was quite ponderous. Washington delivered a formal message to Congress. Each house then prepared a formal reply, went to the President's office "en masse" and read it to him. Following this exchange the President delivered a rejoinder in verbose, philosophic

⁹ José Manuel Estrada, *Curso de Derecho Constitucional*, 3 vols., Buenos Aires, 1927, I, 290.

¹⁰ Rodolfo Rivarola, *Enciclopedia de la Constitución Argentina*, Buenos Aires, 1939, 35.

¹¹ Edward Corwin, *The President: Office and Powers, 1789-1948*, New York, 1948, 506 n. 60. It is believed that the 22nd Amendment, limiting the President to two terms, will restrict his power over Congress in that the President in the last months of office, if it is known that he will not seek reelection, will have a difficult time with Congress; however, Pendleton Herring, *Presidential Leadership*, New York, 1940, 75, has a different opinion.

¹² Colombia (Art. 118, cl. 1), Chile (Art. 72, cl. 3), Paraguay (Art. 50, cl. 9); Novaro and Hroncich, 286-287.

¹³ Article 2, Section 3, cl. 1. Some thirty-nine governors of States are by their constitutions required to send a report on the condition of the State to their respective legislatures; W. Brooke Graves, *American State Government*, Boston, 1945, 387.

language.¹⁴ Both Washington and Adams delivered their messages orally to a joint Congress but the practice was rejected by Jefferson. He sent his state of the Union address to Congress by messenger, where it was read by clerks. On April 8, 1913, Wilson revived the early practice of addressing Congress.¹⁵ Theodore Roosevelt was quite agitated because he had neglected this method in dramatizing messages to Congress.¹⁶ Franklin D. Roosevelt highlighted the state of Union address still more by making wide use of the radio, until in effect, it became a message not only to the Congress but to the people at large. This address is both a power and a duty. The Constitution does not specify when or in what manner the President should communicate with Congress, leaving such to his discretion. Further, there is no way of forcing the President to give Congress a state of Union address should he decline to do so.¹⁷ Usually the state of the Union address is a general or comprehensive statement. Later the "package" is broken down into special messages.

The Constitutions of Latin America also charge the president with informing the nation by means of a state of the Union address, but with several differences from ours. There is no time element involved in the United States Constitution although in practice the address is always given early in the congressional year. The time limit in Latin America is often given at the opening of Congress or at the beginning of the legislative term or regular session, or within a specified time.¹⁸ Further, several constitutions, Mexico, Bolivia, Guatemala, require the state of the Union address to be written.

¹⁴ Carl Brent Swisher, *The Growth of Constitutional Power in the United States*, Chicago, 1946, 51.

¹⁵ *Rules and Manual of the House*, 76th Cong. 3rd Sess. House Document No. 665, Washington, D. C., Government Printing Office, 1941, Section 187, page 55; *United States Senate Manual*, 81st Cong. 1st Sess., Senate Document No. 11, Washington, D. C., Government Printing Office, 1949, Rule XXVIII.

¹⁶ John O. Hicks, *The American Nation*, 2 vols., Boston, 1941, II, 445. Definite advantages of the oral message are: emphasis on the close relationship of executive and legislative branches; focus of Congress's attention on presidential recommendations; awareness of the electorate that the items have been placed before Congress.

¹⁷ James Mabry Mathews, *The American Constitutional System*, New York, 1940, 144. See also note in *Rules and Manual of the House*, *loc. cit.*, 55-56.

¹⁸ At the opening: Chile (Art. 56), Brazil (Art. 87, cl. 18), Nicaragua (Art. 143), Mexico (Art. 69), Peru (Art. 149), Paraguay (Art. 51, cl. 9), Argentina (Art. 83, cl. 11). At the beginning of the term: Colombia (Art. 118, cl. 3), Uruguay (Art. 157, cl. 5), Bolivia (Art. 94, cl. 9), Guatemala (Art. 137, cl. 24), Costa Rica (Art. 139, cl. 4). Within a certain time: Honduras, eight days, (Art. 121, cl. 2), Venezuela, the first ten days, (Art. 109), El Salvador, eight days, (Art. 90, cl. 4), first day of regular session, Panama (Art. 143), and Ecuador (Art. 193).

The president or the minister in nearly all the states is required to present the message in person, while here only the President appears for the purpose.¹⁹ The Argentine state of the Union address (*el mensaje de apertura*) is an extensive document in which only the political article dealing with internal affairs is written by the President. The remaining articles carry the designation of the respective ministers prepared by them or their departments.²⁰ The United States President gives Congress information on the state of the Union which he judges necessary and expedient but he is not obliged to impart information which in the public interest should be secret. The state of the Union address, according to Merriman Smith, is "the most important product of the idea factory" and "customarily requires weeks to prepare." But once presented to Congress it is the administration's working paper for the forthcoming session. Presidents have been able to make this address a virtual mandate of congressional action.²¹

Other Messages

The President of the United States, by Article 2, Section 3, gives Congress "from time to time" other messages on the state of the Union. In addition to the annual budget message and the economic report, the President can send Congress special messages, at any time and upon any subject. For example, between December 7, 1931, and June 16, 1932, President Hoover sent sixty-three messages to Congress advising, suggesting and urging various actions.²² The strong Presidents, particularly Grover Cleveland, Theodore Roosevelt, Woodrow Wilson and Franklin Roosevelt used the special message effectively. The special message to Congress is a species of legislative leadership in that it is used by the Presi-

¹⁹ In Brazil the President sends the message to the national congress, (Art. 87, cl. 18).

²⁰ Fernando Plata Uricoechea, *El Régimen Constitucional en Colombia y en los Estados Unidos*, Bogotá, 1943, 35-36.

²¹ Merriman Smith, *A President is Many Men*, New York, 1948, 32; Edward Corwin, *The Constitution and What It Means Today*, Princeton, 1946, 106; Carl Brent Swisher, *The Theory and Practice of American National Government*, Boston, 1951, 345; William Hillman, *Mr. President*, New York, 1952, 65-66, on Mr. Truman's difficulties in speech making, and Samuel Roseman, *Working With Roosevelt*, New York, 1952, on Mr. Roosevelt's speeches; also see Pendleton Herring, *Presidential Leadership*, 11, for the address as a virtual mandate.

²² Claudius O. Johnson, *American Government: National, State, Local*, New York, 1951, 266.

dent to shape public opinion or provoke public discussion.²³ The only obligation the Congress has as regards the message is to receive it. If the President's party dominates the Congress, then there is a good chance that presidential suggestions will be carried out. But even this is not always the case since Congress, in a show of independence, as a result of clamoring constituents back home or pressure by a lobby, might reject the President's ideas. For the most part, however, the President's suggestions are accepted, since congressional insurgency is fraught with danger.²⁴

Presidential messages to congress are common in Latin America. Constitutions provide for such communications. The president often advises the national congress when he decrees a state of seige, indicates the budget for the coming year, and suggests improvements and reforms on economic and other matters. In Venezuela, in addition to this, the President gives to the national congress an account of treaties, conventions and arrangements, whether or not they are subject to the chamber's approval, by Article 105. The Bolivian President contributes to the making of laws by means of special messages, according to Article 94. Laws can originate in the Chilean Chamber of Deputies "by a message directed from the President of the Republic," Article 45. Presidential messages, in Peru, must be submitted to the council of ministers for their approval before going to Congress, if Article 149 is obeyed. In Venezuela Article 109 states that in the last year of the presidential term "the message will be presented on the day of the installation of the legislative chambers."

Legislative Sessions

The special or extraordinary session is common in Latin America. The president convenes congress in special sessions in a number of states.²⁵ Similarly, the President of the United States is empowered

²³ Corwin, *The President*, 333. Although containing the President's main ideas they are generally written by "ghosts;" Smith, *A President is Many Men*, 28. F. D. Roosevelt made changes in a speech outlined by Raymond Moley, which was one of the reasons for the break between the two; see Raymond Moley, *How to Keep Our Liberty*, New York, 1952, 97, 98; on the message as a type of leadership, see Herring 11-12, and for a comparison of its usage by F. D. R. and Harry Truman see "the Government of the United States," *Fortune*, February, 1952, 78.

²⁴ Rankin, ed., *Presidency in Transition*, article by E. Allen Helms, "The President and Party Politics," 58.

²⁵ Bolivia (Art. 94, cl. 5), Chile (Art. 72, cl. 3), Colombia (Art. 118, cl. 1), El Salvador (Art. 91, cl. 4), Guatemala (Art. 137, cl. 4), Honduras (Art. 121, cl. 15), Mexico (Art. 89, cl. 11), Nicaragua (Art. 215, cl. 2),

to call special sessions, on whose number there is no limit put in Article 2, Section 3. The Mexican President informs the chairman of the permanent committee that he wishes to call Congress in a special session and states what he is about to propose to it. As yet, no permanent committee has failed to heed the President's request. Once Congress is in session the President in person tells it why it was called.²⁶ In Argentina, according to Segundo V. Linares Quintana, the President calls an extraordinary session when a grave matter requires.²⁷ On his own constitutional power the President calls and dissolves special sessions, and in 1908 President Alcorta used federal troops to send congressmen home.²⁸

Congress, in several states, is restricted to the subject of the special session. In Paraguay the Chamber of Representatives shall deal only with those matters submitted to its consideration by the executive.²⁹ During a special session in Argentina, it is now understood that Congress will not consider any matter not put before it by the President, but this limitation refers only to legislative business. "Congress is free, even in special sessions or in the extension of the regular sessions, to consider such executive or judicial matters as may come before it. Therefore, it may confirm appointments, or even impeach the President."³⁰ There is nothing in the Argentine Constitution regarding subject restriction; Congress does not effectively protest, in fact, it humbly asks the President to include certain matters for them to discuss.³¹ The President of the United States cannot restrict Congress to a consideration of the subject matter of the call. Once assembled Congress can proceed with any matter it wishes, providing it is within its competence, even as in

Paraguay (Art. 50, cl. 9), Uruguay (Art. 157, cl. 8), Venezuela (Art. 198, cl. 11). In nine countries only the president calls special sessions and in five of these congress is limited to the topics of the call. In several countries the President calls the extra session on recommendation of a certain percentage of one or both houses; Christensen, *Evolution of Latin American Government*, 452.

²⁶ Stephen S. Goodspeed, "The Role of the Executive in Mexico: Policies, Powers, and Administration," unpublished doctoral dissertation in the Library of the University of California, Berkeley, 1947, 440, 441.

²⁷ *Gobierno y Administración de la Republica Argentina*, 2 vols., Buenos Aires, 1946, I, 357.

²⁸ Macdonald, *Government of the Argentine Republic*, 200, 81.

²⁹ Article 51, cl. 9. For a discussion of this point in Latin America, see Osvaldo E. Miranda Arenas, *El Jefe de Estado en las Constituciones Americanas*, Santiago, Chili, 1944, 41.

³⁰ Macdonald, *Government of the Argentine Republic*, 201.

³¹ *Ibid.* See also N. Santa Cruz, *Síntesis de Derecho Constitucional Argentino y Comprado*, Buenos Aires, 1944, 99.

Argentina, to impeaching the President. In Argentina the President at least has legislative control over the matter to be discussed but in the United States the President has no control at all—except that the President could keep Congress in special session, or, should they adjourn, call them back unless they refuse to cooperate. On the other hand, it can remain in session continually, recessing only for brief intervals. Under Amendment XX, section 2 of the Constitution the Congress could become a permanent body rendering inoperative a presidential prerogative. The President in calling for a special session of Congress, need call only one house, say the Senate, for confirmation of treaties, appointments and other matters.³²

The state of the Union address is the major message of the President to Congress and this is followed by additional messages filling in details. His legal powers, thus, have come to be the veto, the message, and treaty-making power. His extra-legal powers are as great if not greater. The great weight of the President's office behind a bill gives it a better chance to pass. "Administration" bills are usually given legislative preference over all others.³³ Under the doctrine of the separation of powers, supposedly, the President cannot introduce bills since "all legislative powers" are reserved to Congress. Yet a loose reading of Article 2, section 2 of clause 1, plus tradition,³⁴ not to mention the pressure of modern times, makes it inevitable that the President is the chief legislator. "The emergence of the chief executive as a force in the initiation and formulation of legislation is, in fact, primarily a twentieth century phenomenon."³⁵ The Joint Committee on Organization of Congress reported in 1946 that the formulation of legislation was no longer exclusively a congressional concern. Until the administration of Theodore Roosevelt presidential legislation was sporadic

³² Rule XXXVI in the *Senate Manual* provides for executive or secret sessions with the Senate; Rule XXXVII for executive sessions, proceedings or nominations. Rule XXIX of the *Manual of the House* is concerned with secret sessions; see also sections 913, 440-441.

³³ Wright Patman, *Our American Government*, Chicago, 1948, 37.

³⁴ "To an extraordinary degree the relations between the chief executive and Congress are not spelled out in legal terms. Thus they become what the time and participants make them." Herring, *Presidential Leadership*, 136.

³⁵ Lawrence H. Chamberlain, *The President, Congress, and Legislation*, New York, 1946, 11. Fritz Morstein-Marx, *The President and His Staff Services*, Chicago, 1947, 2, saw the President as a preeminent policy maker, and Corwin, *The President: Office and Powers*, 513, n. 75, attributed the President's legislative leadership to crisis, to his knowledge of international relations, and his political weight in the support of a measure.

and haphazard. With him, however, began the practice of executive dominance of legislation. Under Woodrow Wilson this practice developed "systematically."³⁶

Legislative Recommendations

Both in the United States and in Latin America the practice prevails in which the President recommends legislation to the Congress. In Latin America, though, this practice is founded on a clear reading of the constitution. It is part of the ministerial system. It is quasi-parliamentary. But in the United States the practice is not so open and the constitutional foundations not so clear. The power of the President in the United States to recommend legislation stems from Article 2, Section 3, which allows the President to give to the Congress information on the state of the Union, recommend to their consideration such measures as he shall judge necessary and expedient, and convene both houses or either of them and, in case of disagreement between them, adjourn Congress to a time he shall think proper.

It is now definitely recognized that the power to recommend measures to Congress includes the power to recommend drafts of bills and to insist that they be given serious consideration. The trend of executive leadership in legislation is increasing. The studies of Lawrence H. Chamberlain indicate that almost half (8 out of 19) of the notable federal statutes of the last three quarters of a century that were mainly due to presidential leadership fall within the presidency of Franklin Roosevelt.³⁷ Over half the bills dropped in the congressional hopper originate in the executive department.³⁸

The right to initiate legislation in Mexico belongs to the President and members of Congress. With few exceptions, though, all legislation is originated by the President. "In practice, no piece of legislation initiated by the President has ever been rejected since

³⁶ Patman, *Our American Government*, 43, thought that the days of the separation of powers with respect to initiation of laws "are gone, probably forever." See also *Fortune*, "The Government of the United States," 76, Chamberlain, 17, and Corwin, 325.

³⁷ Rankin, ed., *Presidency in Transition*, in the article by W. E. Binkley, "The President and Congress," 73; Chamberlain, 453; Corwin, 330; *Fortune*, *loc. cit.*, 76, said: "About the only major piece of legislation since World War II that was not dreamed up in the so-called executive branch was the Taft-Hartley Act."

³⁸ Binkley, *loc. cit.*, 73; for additional information see Patman, 43, and Corwin, 512.

the first year of the Obregón administration." In the matter of legislation the President is the chief legislator and Congress plays a "secondary role to presidential leadership."³⁹ The Peruvian President under the Constitution, Article 154, clause 6, and Article 168, can initiate laws and his ministers can engage in congressional debates. Not only is the President permitted to introduce bills, but inasmuch as the ministers may participate in the debates of the chambers, he has an excellent opportunity to furnish explanations, advance arguments, and in various ways smooth the road for a prompt and favorable consideration of his measures. As might be expected, a large number of important legislation has its source in the executive department.⁴⁰ Throughout the entire legislative process in Honduras, in the election of members, in the selection of officers, the appointments of committee, the drafting of the legislative program, the executive is predominant. He leaves little to Congress to decide. The work of the government is carried on almost exclusively by the President from the initiation of bills to their emergence as laws.⁴¹ According to Plata Uricoechea, the relations between the President and Congress are more direct in Colombia than in the United States and this is due to the greater legislative power of Colombia's President.⁴² "The executive power in Argentina intervenes in the formation of the laws" and presents them to the chambers for consideration.⁴³ The President, thus, under the constitution is a "colegislator." Significantly, not only does he take part in forming the law but he can later veto it.⁴⁴ The President of the United States introduces bills by means of friendly congressmen, but in Latin America generally as is true of Argentina—the president does not have to use subterfuge. He can draft

³⁹ Goodspeed, "Role of the Executive in Mexico," 442, 443; Fernando López Cárdenas, *Compendio de Derecho Constitucional Mexicano*, Mexico, D. F., 1947, 90, says: "It is the President that initiates the greater part of our laws."

⁴⁰ Graham A. Stuart, *The Governmental System of Peru*, Washington, 1925, 48. N. Andrew N. Cleven, *The Political Organization of Bolivia*, Washington, 1940, 113, speaking of Bolivia's numerous constitutions, notes the peculiar parliamentary nature of the legislation and the control of the Congress over the President.

⁴¹ William S. Stokes, *Honduras, An Area Study in Government*, Madison, Wisconsin, 1950, 292.

⁴² Plata Uricoechea, *El Régimen Constitucional*, 74; the same writer calls Jackson, Lincoln, Theodore Roosevelt, Wilson and Franklin D. Roosevelt Presidents of "great personality" because they dominated Congress.

⁴³ Estrada, *Curso de Derecho Constitucional*, I, 262.

⁴⁴ M. Santa Cruz, *Curso de Derecho Constitucional*, I, 107; Daniel Antokoletz, *Tratado de Derecho Constitucional y Administrativo*, 2 vols., Buenos Aires, 1933, II, 642.

bills on his own account.⁴⁵ In some Latin American countries presidential powers have been so interpreted that the approval of congress is assumed if it does not explicitly reject measures initiated by the President. Moreover, only the president can introduce certain classes of bills, for example, those dealing with military matters, the civil service, and the budget.⁴⁶ In Brazil the President "may introduce bills relating to any matter that falls within the jurisdiction of the federal government.

While the United States Constitution does not envision the President in the role of the chief legislator, since under it he only recommends legislation from time to time to the Congress, yet today if the President does not offer Congress such legislative leadership he is considered a failure. Perhaps the foremost of these extra-constitutional means is the President's acknowledged authority as leader of the party. His office spans the two Houses of Congress. No single congressman could hope to rival this power. Further, however strong a Representative or Senator might be, his authority is largely confined to one House. Besides, with the tremendous work Congress has to do it is unlikely that any one congressman could exercise such leadership. Only the President can supply the unity of command urgently required.⁴⁷ The one party government in Mexico has been joined—with the constitutional provisions—to make the President the legislative leader and to guarantee the successful adoption of his entire legislative program.⁴⁸ In Ecuador it is the unstable condition of the political parties that normally contributes to the weak and directionless character of Congress.⁴⁹ A president can influence a precinct miles away, and in governments

⁴⁵ Fitzgibbon, "Executive Power in Central America," *loc. cit.*, 407; Macdonald, *Government of Argentine Republic*, 202; Miranda Arenas, *El Jefe del Estado*, 32, makes the sweeping statement that "all the American Constitutions . . . permit the President of the Republic the important legislative attribution of concurring in the formation of the laws by means of initiating legislation."

⁴⁶ Christensen, ed., *Evolution of Latin American Government*, 447. In Bolivia and in Brazil the President has exclusive powers to deal with the creation of new offices, increases in salaries, and organization of the armed forces; Austin F. Macdonald, *Latin American Politics and Government*, New York, 1949, 552, 175.

⁴⁷ Morstein-Marx, *The President*, 2; see also, Johnson, *American Government*, 274-275, and Mathews, *American Constitutional System*, 142.

⁴⁸ Goodspeed, 444. According to William Ebenstein, in Christensen, *Evolution of Latin American Government*, 482, "The whole problem of delegated legislation . . . is but a technical issue in the Mexican system of government."

⁴⁹ George I. Blanksten, *Ecuador: Constitutions and Caudillos*, University of California Press, 1951, 172.

characterized by strong presidents it requires little conjecture to determine who controls the party members in the Congress.⁵⁰

Several additional extra-constitutional techniques used by the President of the United States to influence legislation are the use of conferences with legislators, appeals to the voters, and the use of patronage. Theodore Roosevelt and Calvin Coolidge, for examples, often invited legislative leaders to the White House for a mutual exchange of views on presidentially desired legislation or about legislation the President wanted to defeat.⁵¹ This is an easier, less public, certainly less controversial method than using the veto, particularly if the President were not interested in creating an issue. Legislative leaders can inform the President of the existing opposition to his proposals and suggest minor amendments or delegations whereby the bill would pass. He might, if he is persuasive enough, convince the legislators of the necessity of accepting his program without alteration. The President controls a good deal of patronage which he uses against Congress, frequently not only to keep his own party members in line but to win over or, at any rate, neutralize the opposition.⁵²

Congressmen on retiring from office, either voluntarily or as a result of defeat at the polls, are appointed by the President, if they have long supported the administration, to important judicial or administrative positions or places of high honor, for example, Sherman Minton's appointment to the United States Court of Appeals (Seventh Circuit), Homer T. Bone's appointment to the United States Court of Appeals (Ninth Circuit) or that of Carl A. Hatch of New Mexico as United States District Judge. This is not to say that they are necessarily incompetent for the appointment but rather they have put themselves in line for the honor when it arrives. Other methods of presidential patronage are legion. They run the gamut from being an invitation to a state banquet for a visiting sovereign or a cruise on the President's yacht to being named as a special delegate to some international convention.

In Latin America the president's use of patronage is even more extensive than is that of the President of the United States. Presidents control the party members absolutely and politically reward

⁵⁰ Christensen, 504, 505; Goodspeed, 471.

⁵¹ Theodore Roosevelt, *Autobiography*, New York, 1919, 383.

⁵² Herring, *Presidential Leadership*, Ch. 3, especially p. 59; Chamberlain, *The Presidents*, 15; Swisher, *Growth of Constitutional Power*, 57; Smith, *A President is Many Men*, 3; Harold J. Laski, *The American Presidency*, New York, 1940, 147.

their friends or opponents accordingly. In Mexico, for example, the President has been able to place his own supporters in the chairmanships of all important committees of both houses.⁵³ No congressman can hope to have a bill accepted unless it meets with the President's approval. The spoils system is rampant. It differs from the spoils system in the United States in that loyalty is not to the party—since parties are not cohesive, in fact are fluid—but to the *caudillo*. It is a personal loyalty. If the President is the *caudillo* he manages to look after his friends in the legislature.⁵⁴

Still another potent weapon the President possesses to get his legislative program accepted by Congress is to pass over its head and appeal directly to the voters. This is an attempt not only to bring the President's side of the dispute with Congress to the public—admittedly a power no single congressman possesses—but to undermine the legislator and bring his constituents behind the President. This technique is generally reserved as a last resort. When an annual or special message or threat of a veto, perhaps, fails, or anyone of the other methods of influencing congressmen in getting the legislation accepted fails, the appeal to the electorate is used. The two most common methods of presidential coercion of Congress are the use of the personal conferences and the press, including radio and television.⁵⁵ In these, the President's success is in proportion to his talent for manipulating public opinion.

Under congressional statutes the President generally has some emergency powers. Depending on the temper of the times this power expands or contracts as Congress renews or withdraws these powers. In general, the President declares the emergency but it is usually one within well defined statutes. President Roosevelt, for example, proclaimed a bank holiday and prohibited gold and silver exports and foreign exchange transactions. This was accomplished under Trading with the Enemy Act of 1917. At first there was some doubt as to the constitutionality of this act of the President's;

⁵³ Goodspeed, 442.

⁵⁴ Ebenstein, in Christensen, 490, says that people in Mexico look upon a public official as an imbecile if he does not acquire wealth while in office; Macdonald, 14, says that there are fifteen terms in Mexico to denote grat; political nepotism results from the devotion to the clan or family system, according to Joseph F. Privitera, *Latin American Front*, Milwaukee, 1945, 23; Frank Tannenbaum, *Mexico, The Struggle for Peace and Bread*, New York, 1950, 79, and Emilio Portes Gil, *Quince Años de Política Mexicana*, Mexico, 1941, 101, both score the widespread graft in Mexico.

⁵⁵ George Ford Milton, *The Use of Presidential Power, 1789-1943*, Boston, 1944, points out Lincoln, Theodore Roosevelt, and Woodrow Wilson as powerful manipulators of public opinion. A host of journalists have written on the press relationships of the various presidents.

it was quickly solved when Congress several days later passed an emergency banking act. In September, 1941, due to the war, President Roosevelt proclaimed a limited emergency which permitted him "to suspend sugar quotas, terminate charters of government-owned ships, requisition privately owned ships, restrict foreign travel, control radio and other communications, and take additional steps."⁵⁶ When the United States entered the war these powers were augmented even more. During the period of reconversion in 1946 when some of these powers were to be withdrawn from the President, the matter was not so simple, since there were more than five hundred laws applying to the war effort. They made an almost hopelessly complex and inter-dependent web. When President Truman, however, seized the steel mills on April 8, 1952, because there was a national emergency, and when he claimed that he had the inherent power to do so, the Supreme Court ruled that the "President's power to see that the laws were faithfully executed refutes the idea that he is to be a lawmaker."⁵⁷

The use of emergency power by Latin American presidents is much wider than the use by the President of the United States. Despite the veneer of constitutionalism, the limitations on the President, and, in several states, the theory of federalism, it is still true that emergency legislation is common. Although the much amended Mexican Constitution added a restriction on legislation by decree, in 1938 President Avila Comacho got emergency powers from Congress as soon as Mexico entered the war, authorizing him to legislate in "all branches of the public administration."⁵⁸ The state of siege, as we have already witnessed, has been carried to ridiculous lengths in Latin America. It is used arbitrarily and has come to justify almost any program the president has in mind. It is *caudillismo* pure and simple. It is permanent crisis-government.

Budgetary Practices

The United States Bureau of the Budget is involved in presidential initiation of legislation. The Bureau sets up the preparation of the President's financial program.⁵⁹ The Director of the Bureau

⁵⁶ Ferguson and McHenry, *American System of Government*, 326; Corwin, *The President*, 484-489, lists the great number of emergency powers.

⁵⁷ *Youngstown Sheet and Tube Co., v. Sawyer*, 96. L. Ed. 817. (1952).

⁵⁸ Macdonald, *Latin American Politics*, 354.

⁵⁹ Clinton Rossiter, "The Constitutional Significance of the Executive Office of the President," *American Political Science Review*, XLIII (December, 1949), 1208.

reports directly to the President but is required to assist either House or any of its committees at their request. The Bureau goes a long way toward helping the President to make up his mind as regards the sums he will ask Congress for in his budget message. If permitted to flow from departments and agencies or from administrators with rival ideas the stream of bills would be numerous and inconsistent. This would confuse Congress, emphasize the lack of unity in the executive department and would reduce the chances of achieving appropriate legislation. Hence, all executive agencies are required to send their proposals to the Bureau for clearance to see if they are within the President's administrative and financial program.⁶⁰ On the recommendation of the Director of the Budget the President either accepts or rejects such bills. If he suggests a veto he sends a draft to the President. It is easy to see why, therefore, the Bureau, according to *Fortune Magazine*, is the "most powerful of all the President's tools."⁶¹ In the Budget message to Congress⁶² the President suggests what it will take financially to run the government for the coming year. The budget estimates go through the legislative mill and all sorts of factors are considered in judging whether the President will get the finances which he says he needs. Factors such as: does the opposition control the Congress or does the President's party, and, if the latter, to what extent does he lead the party, are important.⁶³ Because Congress controls the purse strings it has a trump hand over the President. This constitutional power, added to the practice of tagging "riders" on appropriation bills (putting the President in the embarrassing position of having to accept some objectionable congressional recommendation so that he gets the money with which to work), helps the Congress control the President. Thus the President can only *ask* for money and only Congress can *appropriate* it.

In Latin America the practice is remarkably different. The president and the departments draw up the budget and submit it to

⁶⁰ During the 80th Congress the Budget Bureau advised the President or executive departments on 5,992 bills and gave the President information on 1,438 bills passed by Congress; Ferguson and McHenry, 493. Fritz Morstein-Marx, "The Bureau of the Budget," *American Political Science Review*, XXXIX (October, 1945), 882. Don K. Price, "Staffing the Presidency," in David Fellman, ed., *Readings in American National Government*, New York, 1950, 144. Robert C. Dixon and Elmer Plishke, *American Government, Basic Documents and Materials*, New York, 1950, 227.

⁶¹ *Fortune Magazine*, February, 1952, "The Government of the United States," 192.

⁶² Dixon and Plishke, *American Government*, 233.

⁶³ Swisher, *Theory and Practice of Government*, 530-538.

congress as does the President of the United States, but there ends all similarity. The Latin American president does not consider himself bound by congressional authorizations. He frequently spends more money than congress has appropriated but since he cannot increase taxes to set off the excess amount, the budget is hopelessly out of line. The president's power to spend money might rest on the constitution, on statute, on precedent or on custom. Whatever the need, presidents do not continue their administrations without finding the money. When the president says the money must be spent that seems to end the dispute. There is no legal way to test his action. In several countries the president needs the consent of his cabinet but since he has absolute control over its tenure this is not much of a restriction.

In the United States funds are never paid out of the treasury except by law while in Latin America except by law or *presidential decree*. This addition is significant.⁶⁴ In Argentina for example, the President's control over the national finances extends far beyond the American concept of executive authority. Often the President includes important policy changes in the budget message. Example of such presidential interpolations are a minimum salary for federal employees, the reorganization of the courts and changes in pension funds. The fact that such interpolations commit the government to a new course of action is reason enough to submit them separately to Congress. The President puts them in the budget bill so they will have a better chance to pass. They will not be debated at length. This is good strategy but bad government since Congress is deprived of an opportunity to discuss the matter. In formal cabinet meetings in Argentina he orders payments from the federal treasury for any purpose that seems necessary.⁶⁵ As a result of financial chaos in 1943 the Constitution of Chile was amended permitting the President to order expenditures only for extraordinary emergencies such as floods, calamities and others. Further, such expenditures cannot exceed 2% of the year's budget appropriations, Article 72, clause 10. The Constitution of Honduras is quite forthright in saying in Article 101, clause 27, that the Congress can "approve or disapprove accounts of public expenditures, when they exceed the amounts stipulated in the general budget of the expenditures." In Nicaragua, the sanction of the executive is not necessary

⁶⁴ Macdonald, *Government of the Argentine Republic*, 1942, 10, Arizio de Viana, *Budget Making in Brazil*, tr. by Harvey Walker, 5.

⁶⁵ Rowe, *Federal System of the Argentine*, 97; Macdonald, 1942, 95, and 1921, 397, 316.

to pass the budget, Article 199, but in the light of practice this would be unlikely if the President would not cooperate. In conjunction with the permanent committee sitting between sessions in Panama, the President can by Article 117, clause 4, issue "supplemental extraordinary credits." According to the Peruvian Constitution the general budget determines annually the income and expenditure of the Republic. The law regulates the preparation, approval, and execution of the general budget. For any amount collected or expended contrary to law, the person ordering the illegal collection or expenditure shall be held responsible. The person carrying out the act shall also, by Article 9, be held responsible if he does not prove his innocence. Finally, in Uruguay the President can, by a special law, alter the use of authorized items or open new supplementary credits, according to Article 191.

Administrative Regulation

Both in the United States and in Latin America the President has the power to make administrative regulations or rules. The overall responsibility of running the government is presidential. The day by day or routine activities of the presidential administrations is by the department heads and their assistants and the countless employees down the line—nearly all of them acting within the chain of command. But it is the President who sets the tone, generally, of the forcefulness of the administration. In Latin America where the congress with one or two exceptions is subservient to the president, it is the president that controls completely and operates arbitrarily the administrative machinery.⁶⁶ In the United States on the other hand, where there exists a truly independent legislature in theory as well as in fact, the President is not completely in command. Besides, all Presidents in the United States either have not been fitted for or did not care too much about public or presidential administration. It is significant, further, that those United States Presidents generally considered great Presidents have not been necessarily great administrators. Two Presidents generally listed among the great executives in any list, Jackson and Lincoln, were poor chiefs of government administratively speaking. On the other hand, Arthur and Hayes were considered competent administrators yet each is relatively unknown.⁶⁷

⁶⁶ Macdonald, 1942, 10, 12; Hans Klinkhoffer, (Comp.), *La Pensée Politique du Président Getulio Vargas*, Rio de Janeiro, 1942, 183.

⁶⁷ Milton, *Use of Presidential Power*, 81, 126, 150 ff.

The President is charged under the Constitution with taking care that the laws are faithfully executed and to require from the principal officers of the government, that is, the executive departments, opinions upon matters within their competence. The early Congress did not intend, it seems, that the President should be the administrative head of the government as he was already the political. Proof is seen in that the early departments, other than foreign affairs and war, were under congressional rather than presidential control. In other words, the idea was that the President would have political authority and would not be subject to judicial review; that Congress alone should run the administration machinery. With the rapid rise of the United States to world leadership it was discovered by Congress that, on the one hand, the President needed greater administrative discretion and, on the other, Congress was not equipped for this function. Hence, since about 1900 Congress has been laying the broad policies, the general principles and permitting the President to fill in the details. To illustrate, for several years Congress permitted the President to manage the Philippines almost alone, the Panama Canal Zone while it was under construction, the reciprocal tariff, and during World War II especially, the industries and resources of the nation.⁶⁸ The emergency nature of government during the depression and during war augmented still more the President's powers in administration. Many bureaus are established by Congress but many more are created by executive orders, are abolished, regrouped or emerge as different agencies. The list of alphabet agencies is well known to all students of government.

There are few, if any, studies in Spanish or English dealing with public administration or presidential management in Latin America.⁶⁹ All administrative authority is centered in the president and subordinates. The power of initiating legislation and rule-making added to the long presidential term of six years permits the presidents to build up a political and administrative machinery of his own. One difference between the President in Mexico and the President in the United States is that it is never the custom to lampoon the Mexican President. If criticism of the highest administrative officials is made it is always emphasized that shortcomings are departmental and not presidential.⁷⁰ The president in Latin America is the supreme head of the state. For example, in Argentina the

⁶⁸ Johnson, *American Government*, 251.

⁶⁹ Ebenstein, in Christensen, 478.

⁷⁰ *Ibid.*, 480, 482.

President "has general administration of the country," by Article 83, in Chile he "administers the state," Article 60, so too in Honduras by Article 121, in Paraguay by Article 51, while in Nicaragua, Article 214, and Colombia, Article 120, he has the "supreme administration authority." But whether his administrative power is spelled out or not his position as head of state, chief of state, or chief of administration is unquestioned.

Presidential staffs to assist the Latin American presidents in carrying out their administrative duties have not been developed. First, staffs are built upon personal loyalty too often without regard for administrative ability. Leaders have to be considered for posts and factions appeased. The president and the government are synonymous and to be loyal to the former is to be loyal to the latter; to be disloyal to the president is to be disloyal to the government. There are no disinterested staffs as exist in Britain or in the United States. There are men around the president in Latin America but their prime loyalty is to him and not to the state. An attempt at creating an administrative staff in Mexico has been made by elevating the President's secretary and placing him in charge of an office through which presidential planning is accomplished. But this attempt has failed or, better, it has serious drawbacks in that there is no continuity or incumbency of administrative practice; and also the office is too concerned with day by day operational techniques of practical politics to permit enough time for large scale planning. Because the President cannot be reelected for more than one term of six years the secretary goes out of office with him and fails to build up a permanent office of experts with administrative traditions and prestige.⁷¹

In the United States the President has an administrative staff to assist him in the enormous work which under the Constitution and statutes he must carry out. This staff, called the Executive Office of the President, includes the White House Office, the Bureau of the Budget, the Council of Economic Advisers and other agencies.⁷² In the White House Office there are several secretaries and administrative assistants to the President; the former are generally there in a political capacity carrying on liaison with congressmen, agencies, the press and radio, and the public, and the latter who have a

⁷¹ *Ibid.*, 484; José Mijares Palencia, *El Gobierno Mexicano: Su Organización y Funcionamiento*, Mexico, 1936, 24-25.

⁷² *United States Government Organizational Manual*, Washington, D. C., 1951-1952; also see the *Annual Congressional Directory*, for the personnel of these agencies.

"passion for anonymity" are the administrative experts and specialists who do research and prepare reports on any topic assigned them by the President. The Bureau of the Budget, as we have already witnessed, has an important place, perhaps the most important, in the President's staff. The Council of Economic Advisers, not too well developed and open to some criticism, advises the President on economic affairs helping him to send the annual economic report to Congress.⁷³

The staff makes it possible for the President to discharge his office with some degree of efficiency and responsibility.⁷⁴ They serve the President in countless ways—research, writing, consultations, advice. They do not, of course, relieve him of his constitutional and statutory duties.⁷⁵ Thus, under the impetus of rapidly changing political events and constitutional changes, the cabinet, whose original function was to advise the President, now has become, at least in this capacity when it is compared with the President's staff—"an administrative anachronism."⁷⁶ Yet in Latin America it is the cabinet or council of ministers, set up under the constitution but largely controlled by the president, which is to advise and assist the president. Since it does not function harmoniously in the onslaught of affairs today and since, further, an administrative staff has not been properly created, it is no wonder that much presidential activity is of a personal and thus arbitrary rather than planned nature. Cabinet ministers are too frequently department agents busy with daily operational matter and cannot give the president the expertness that he needs.⁷⁷

A highly developed function of the president, more so in Latin America than in the United States, is to issue administrative regu-

⁷³ On the suggestions of the Hoover commission regarding the Council see *Commission on Organization of the Executive Branch of the Government, General Management of the Executive Branch*, 1949, and Edwin G. Norse and Bertram M. Gross, "The Role of the Council of Economic Advisers," *American Political Science Review*, XLII (April, 1948), 283-295.

⁷⁴ Rossiter, "Constitutional Significance of the Executive Office," *loc. cit.*, 1216; Cabell Phillips, "The Men Around the President," *New York Times Magazine*, September 11, 1949, and Anthony Leviero, "How the President Makes Decisions," *Ibid.*, October 8, 1950.

⁷⁵ Luther Gulick, "The Executive Office of the President: A Symposium," *Public Administration Review*, I (1941); Anthony Leviero, "The White House Staff," *New York Times*, November 30, 1950, sect. 4, 105.

⁷⁶ Price, "Staffing the Presidency," *loc. cit.*, 158; John M. Gaus, "The Hoover Commission: A Symposium," *American Political Science Review*, XLII (October, 1949), 954.

⁷⁷ Russell H. Fitzgibbon, "Executive Power in Central America," in Christensen, 406; for a severe criticism of the rapid turnover in these departments, see Frank Tannenbaum, *Whither Latin America*, New York, 1934, 175.

lations⁷⁸ to put acts passed by the legislature into effect. Rule making, according to J. R. Pennock, is defined as "the issuance of regulations or the making of determinations which are addressed to indicated but unnamed and unspecified persons or situations."⁷⁹ In every country of Latin America the president is granted wide powers under the constitution to issue instructions and regulations for executing the laws. The great difference between the President of the United States and the president in Latin America is that rule making by the former is always an administrative discretion within a congressional policy,⁸⁰ but in the latter such rule making, especially when congress is not in session, "deals not only with policies already established by congress, but also with matters that congress has never considered." While the procedure and success vary from one country to another the president's power in rule making or administrative regulation amounts to the same thing: executive legislation. The President of the United States operates within the congressional framework and when he assumes too much power the courts are likely to remind him; or if the Congress delegates him too much power the courts also will intervene.⁸¹ Where the president in Latin America issues administrative rulings to put into effect laws of congress or issues such rulings when congress is not in session, usually eight or nine month of the year, then such rulings take the force of law. Generally, they are beyond legal challenge, since there is an absence of judicial review. Congress thus rebuked is confronted by a *fait accompli*. However, when such rulings are issued during a state of siege or a suspension of guarantees, then the president is required by the constitution to submit them to the congress when it convenes.⁸² A number of Latin American

⁷⁸ The terminology is not precise nor universal with respect to "regulations;" J. Roland Pennock, *Administration and the Rule of Law*, New York, 1941, 35. See also C. Perry Patterson, "The President as Chief Administrator," in Rankin, *Presidency in Transition*, 256, and Miranda Arenas, 60.

⁷⁹ Pennock, *Administration*, 35; Linares Quintana, *Gobierno y Administración de la República Argentina*, I, 356-357, defines "regulator power."

⁸⁰ *Constitution of the United States (Annotated)*, 96; Mathews, *American Constitutional System*, 174; Corwin, *The Constitution Today*, 108; Macdonald, *Government of the Argentine Republic*, 10.

⁸¹ *Youngstown Sheet and Tube Co. v. Sawyer*, 96 L. Ed. 817; *Schechter Poultry Corporation v. United States*, 295 U. S. 495.

⁸² For a discussion of the "State of Siege" see James, *Constitutional System of Brazil*, 270; Tulio Enrique Tascón, *Derecho Constitucional Colombiano*, Bogotá, 1944, 246; Macdonald, *Latin America Politics*, 11; Miguel Jorin, *Political Instability in Latin America*, Albuquerque, New Mexico, 1953, has an excellent summary of reasons behind the state of siege.

constitutions require countersignature⁸³ by the appropriate minister or the full council before issuance of an administrative ruling, but this is a nullity since the cabinet official is completely a creature of the president. In the United States there is no such countersignature.

The Mexican, that is, Carranza Constitution of 1917, does not specify that the President has power to issue regulations, nor does it deny him the power. Article 92 seems to imply it. Scholars point to Article 91, clause 1, which gives the President power to "promulgate and execute the laws that the Congress of the Union enacts, providing within the administrative sphere for their exact observance." Regardless of the constitutional question today, at any rate, "nobody challenges it any longer."⁸⁴ An example of executive rule-making in Mexico may be cited. In matters of broad policy Congress passes a law on monopolies. The President can set up methods to carry out the particular articles but he may also interpret the law himself and extend its provision. This practice has been carried to the extent of allowing the President to fill in many of the details of a law and "create agencies and appoint administrative assistants to execute the details of the law that he has created."⁸⁵

Since the President of Colombia, says Tulio Enrique Tascón, commenting on Article 20, clause 3, cannot foresee all the difficulties which the law presents he is expressly authorized to dictate regulations which he believes necessary for the proper unfolding and execution of the law.⁸⁶ Similarly it is recognized that the President of Argentina is in the best position to appreciate the circumstantial conditions surrounding administrative decisions. This power, also, does not depend on any congressional authorization or delegation but belongs to the executive, and judges have the duty of applying the regulations as integral parts of the law that they regulate.⁸⁷ Although the President of Argentina is chief of the National Administration the author believes that when Congress creates offices the President should fill them, otherwise he can prevent Congress from

⁸³ For example: Bolivia (Art. 100), Costa Rica (Art. 140, cl. 3), Ecuador (Art. 109), El Salvador (Art. 87), Mexico (Art. 92), Paraguay (Art. 54), Venezuela (Art. 92).

⁸⁴ Goodspeed, "Role of the Executive in Mexico," 446.

⁸⁵ *Ibid.*, 480.

⁸⁶ Tascón, *Derecho Constitucional Colombiano*, 234; Novaro and Hroncich, 237, and Antokoletz, *Tratado*, II, 693, claimed that there was nothing like it in the Constitution of the United States.

⁸⁷ Antokoletz, II, 640, 641.

functioning.⁸⁸ There is no legal way to compel the President of the United States, short of impeachment, perhaps, to fill an appointive office if he wants to keep it vacant. Despite the fact that every well regulated government permits the executive to supply the details, as Macdonald points out in the case of Argentina, and this can be applied to all Latin American countries, this practice has gone to extreme.⁸⁹ The President of the United States is commander-in-chief of the army and navy and, from this constitutional power stems, along with the general power to conduct foreign relations, the power to make elaborate codes for the military, diplomatic and consular services. Such codes, particularly during war time or a national emergency, as a depression, are on a multitude of subjects. Although the President's signature is necessary on such codes, the bulk, of course, are drawn up by administrative law makers in the departments and agencies. Regardless of the origin of the regulation or order it is channeled to the Director of the Budget who sees if it is in conformity with the President's legislative program.⁹⁰ Then it is directed to the Attorney General who checks it for form and legality. Following this the regulation goes to the President for his signature. During World War II President Roosevelt signed as many as 890 executive orders in one year.

While it is true that administrative rule-making or presidential regulations are new still it is correct to say that they have recently achieved tremendous significance. Presidential proclamations, executive orders and all other documents of a general or particular applicability designed to implement, interpret, describe policy or law, organization, procedure or practice of an executive agency must, so as not to be void, be published in the *Federal Register* after having been filed with the Division of Federal Register of the National Archives. Current proclamations and executive orders not published in the *Federal Register* are printed in limited quantities in slip form to be distributed by the National Archives. The *Federal Register* itself, is set up by executive order and is issued five times weekly.⁹¹

⁸⁸ Article 83 makes the President Supreme Head of the Nation and Linares Quintana, *Gobierno*, I, 356, and Antkoletz, II, 639, say that the expression "ought to be interpreted more than in the literal sense, as the attribution of an honorary hierarchy." See also Novaro and Hroncich, 381, and Peaslee, *Constitutions of the Nations*, I, 150.

⁸⁹ Macdonald, *Government of the Argentine Republic*, 203; the "spirit of the law," and the mind of the legislators, are universally disregarded, Santa Cruz, *Síntesis de Derecho*, 150; see also, Christensen, 408, and Stokes, *Honduras*, 332.

⁹⁰ Rossiter, "Constitutional Significance of the Executive Office," *loc. cit.*, 1208.

⁹¹ 49 Stat. 500; the order is No. 7298, Feb. 18, 1936.

But while giving the President considerable statutory authority to make regulations and codes, Congress has always looked upon this delegation with suspicion and reluctance. To allay their fears, a number of clauses were inserted specifying that such authority is delegated to the President on a concurrent resolution of Congress. The legality of this procedure is open to some doubt, however, inasmuch as such resolutions do not go to the President for his signature.⁹²

Judicial Review

Turning to the topic of Judicial Review we note that the President of the United States can never be sure that a presidential regulation, code, or executive order or an "administration bill" passed by Congress, or even a congressional delegation of power to the President, will not be declared unconstitutional by the Supreme Court. Here judicial review has a long tradition. Thus, the Court restricts the President by telling him what he cannot do. It has not hesitated to do so although in fairness to the Court it skirts such conflicts whenever it can.⁹³ When, in the opinion of the Court, Congress unconstitutionally delegated its power, as in the NRA case,⁹⁴ the Court reminded the Congress that the Constitution in its first Article gives the legislative branch "all legislative power." In addition, when the President acting under the guise of national emergency attempted to legislate, he was reminded that the power to see that the laws are faithfully executed refutes the idea that he is beyond judicial restraint.⁹⁵

Judicial review, or the power to determine the constitutionality of legislations, exists in the constitutions of Latin America. In the majority of states the court has this power.⁹⁶ The Costa Rican Congress has exclusive power to interpret laws, in Article 213, clause 13. In Peru, there is no constitutional provision at all, while in Paraguay, Article 89, the "Supreme Court takes cognizance of con-

⁹² C. Herman Pritchett, "The President and the Supreme Court," in Rankin, *Presidency in Transition*, 84.

⁹³ John P. Frank, *Cases on the Constitution*, New York, 1951, 43.

⁹⁴ *Schechter Poultry Corporation v. United States*, 295, U. S. 495.

⁹⁵ *Youngstown Sheet and Tube Co., v. Sawyer*, in the *New York Times*, June 3, 1952, p. 22, and June 8, 1952, sect. 4—EB; see also Corwin, *The President*, 350.

⁹⁶ Argentina (Art. 95), Bolivia (Art. 143, cl. 5), Brazil (Art. 101, cl. 111), Chile (Art. 96), Colombia (Art. 214), El Salvador (Art. 97, cl. 10), Guatemala (Art. 170), Honduras (Art. 141, 145), Mexico (Art. 103, 105), Nicaragua (Art. 213, cl. 16, Art. 217), Panama (Art. 167), Uruguay (Art. 229), Venezuela (Art. 220).

flicts of jurisdiction between the judges, and between the latter and the official of the executive branch." Actually judicial review, except for proving an annoyance to the president in a few instances, is not existent. Presidents find a way of removing recalcitrant judges. The fact that their tenure is not long militates against them. To a large extent the judiciary shares the popular attitude that nothing must be permitted to interfere with the fulfillment of the administration's program. Despite detailed articles in the constitutions, the Court is not independent. "Laws invalidated by the highest tribunal have often been enforced as vigorously as before, just as if the judges had not spoken."⁹⁷ In Mexico, the Supreme Court always upholds the President. The problem, moreover, of delegated legislation presents few judicial issues since judicial-legislative-executive powers are concentrated in the President.⁹⁸

Veto Powers

Both in Latin America and in the United States the President enjoys the power to veto legislation. This is, of course, a strong presidential weapon against Congress. As the pardon is a judicial power but historically lodged with the executive, so too the veto, a legislative power, is lodged with the executive. In so far as Congress generally can over-ride the veto its use is not considered to violate the doctrine of separation of powers. In fact, this is but another example in the constitutional set-up that the "branches" in the United States were not meant to be completely separate.⁹⁹ In Argentina, José Manuel Estrada concludes that the veto is not dangerous for the nation; still, other authorities say that the purposes of the veto are to protect the executive from legislative usurpations, protect the constitution, and prevent imprudent or harmful legislation.¹⁰⁰ Another Argentine states that the veto is based on two points, one, that laws are "examined with greater thoroughness" and, two, that along with the legislature the Executive should not permit "the sanction of laws manifestly unconstitutional."¹⁰¹ When the power

⁹⁷ Macdonald, *Latin American Politics*, 12, 13.

⁹⁸ Goodspeed, *Role of the Executive in Mexico*, 464; Ebenstein, in Christensen, 482.

⁹⁹ Binkley, "President and Congress," in Rankin, *Presidency in Transition*, 69; the presidential veto is discussed in J. Zinn, *The Veto Power of the President*, Washington, D. C., 1951.

¹⁰⁰ Estrada, *Curso Derecho Constitucional*, I, 296; Navaro and Hroncich, 318.

¹⁰¹ Santa Cruz, *Síntesis de Derecho*, 110.

to veto bills is added to the power to initiate legislation, make rules and regulations and issue decree laws, it is easily seen that as the power of the Latin American president increases the power of the legislature correspondingly diminishes.

The arguments used by Novaro and Hroncich for the use of the veto are similar to those used by Hamilton in *The Federalist* for the United States, namely, that it would prevent congressional encroachment and be a security power against the enactment of improper laws.¹⁰² But while the veto controls and checks Congress it has become "a dictating agency of legislation" even more than the message.¹⁰³ Perhaps the use of the veto, in a sense, means that the President has failed in persuading Congress to accept his program or failed in preventing Congress from going ahead with one of its own. In this connection the administrations of several Presidents were remarkable for getting along with Congress without the use of the veto or of using it sparingly.¹⁰⁴ It is claimed by some writers that the President when using the veto acts as a "Third branch of the legislature." Compared to the presidential message it is the veto power which exerts the greatest influence in law making, because, on the one hand, the veto is rarely overridden, and it prevents legislation contrary to the larger presidential program that has been introduced while discouraging by threat the introduction of similar bills. Frequently, the possibility of a veto is a sufficient threat against the proposal of a bill. Unlike the veto in the United States, the veto in a one party country such as Mexico remains a dead issue in that the President never has occasion to use it,¹⁰⁵ chiefly because he is generally the initiator of laws and his control is too strong to permit a situation to develop that would call forth his power of veto.

The procedure for sending bills to the president for signature in Latin America is similar to ours, except for notable differences in a few of the countries and minor differences generally. When the President of the United States receives a bill he has ten days

¹⁰² Alexander Hamilton, *The Federalist*, New York, 1934, No. LXXIII.

¹⁰³ C. Perry Patterson, *Presidential Government in the United States*, Chapel Hill, N. C., 1947, 50. Not all writers believe the veto power is so important, since Congress can override it; Laski, *The American Presidency*, 142, and Louis Brownlow, *The President and the Presidency*, Chicago, 1948, 117.

¹⁰⁴ Eight Presidents did not use the veto power; Laski, *American Presidency*, 143. See also William H. Taft, *The Presidency*, 14, and Woodrow Wilson, *Congressional Government*, Cambridge, Mass., 1913, 52.

¹⁰⁵ Goodspeed, 444. By contrast López Cárdenas, *Compendio de Derecho*, 93, believes it is quite powerful.

exclusive of Sundays in which to consider it. If he has reason to reject its stipulations he returns it to the House of its origination.¹⁰⁶ This procedure is likewise followed by the presidents in the southern nations, save that the time limit within which each must return the measure varies from place to place. The most common limit is ten days.¹⁰⁷ However, in Argentina the executive is allowed twenty days, in Chile thirty, in El Salvador eight, while in Colombia and Panama the time limit varies, depending upon the number of articles in the measure.¹⁰⁸ There is a shade of contrast in Bolivia, where the President by Article 78 has the customary ten days deliberation prior to signing or rejecting the bill, but the ten days may be changed if the "minister of state in whose department the bills belong was not present during the discussion of the bills in Congress." In this case the veto would seem to be automatic, yet the President is not bound to use it. Legally he might do so to extend the time limit. The Ecuadorean Congress in Article 66 must reject the vetoed bill in a single discussion, unless the President's objections are based upon the constitutionality of the bill in question. If the Honduran Congress passes a bill at the end of the session and the President deems it "inexpedient to approve it," Article 109 requires him to notify Congress immediately so that it will remain in session for as long as ten days from the date of the reception of the bill, and if the Congress does not do so, the President may hold the bill until the following session and for eight days of this.

As is well known, the President of the United States returns the vetoed bill to the House of its origin, where if two-thirds of a quorum of each House repasses it, the measure becomes a law. Every congress in Latin America but two similarly requires a two-thirds majority vote to override a veto. Uruguay according to its Article 127 specifies a three-fifths majority, while Venezuelan congressman defeat the veto by a simple majority, as stated in their Article 173. The present codification of the Colombian Constitu-

¹⁰⁶ In the case of *Church of the Holy Trinity v. United States*, 143 U. S. 457 (1892), the Court said "This is a religious nation." This was reaffirmed in *Zorach v. Clauson*, 96 L. Ed. 614 (1952). Sunday has always been a day of worship.

¹⁰⁷ Bolivia (Art. 78), Brazil (Art. 70, cl. 1), Costa Rica (Art. 126), Ecuador (Art. 69), Guatemala (Art. 124), Honduras (Art. 108), Mexico (Art. 72, cl. 2), Nicaragua (Art. 190), Paraguay (Art. 78), Peru (Art. 128), Uruguay (Art. 126), Venezuela (Art. 173).

¹⁰⁸ Argentina (Art. 71), Chile (Art. 53), El Salvador (Art. 73). In Panama (Art. 129), and Colombia (Art. 86), the President has six days for bills containing up to fifty articles, ten days for those having from fifty to two hundred, and fifteen days for all others.

tion introduced an important change with respect to the congressional majority of two-thirds.¹⁰⁹ By Article 88 a simple majority is required to thwart the veto of all ordinary legislation, except where the bill deals with established law, with national economy, with public works, or with changes in the territorial jurisdiction of political subdivisions of the country, in which instances the two-thirds majority prevails.

Whereas among us, when Congress adjourns before the ten days allowed to the President for deliberation have expired, the bill is killed if he does not act on it, among the Latin Americans the practice is different. In Bolivia as stated above, if the Congress adjourns before the President has had his ten days with the bill, he is to publish a message with his objections so that the incoming legislators may consider them. In Colombia, if the chamber adjourns before the President signs, he has to publish the bill, approved or not, within ten days from the time of the adjournment.¹¹⁰ Bills remaining with the Executive in Ecuador when the Congress adjourns are published in the *Registro Oficial* within twenty days and presented to the succeeding legislature, according to Article 69. If Congress adjourns before the bill is returned in Guatemala, Article 125 bids the President to remit the bill within the first eight days of the next term, while in Mexico Article 2 requires him to remit it on the first working date after the Congress shall have been reconvened. If the President of Nicaragua on receives a bill within the last ten days of a session "The power of veto remains reserved and can be exercised during the first ten days of the next regular session," says Article 95. Thus, the pocket veto as we know it, is not the practice of the presidents of Latin America.¹¹¹

The President in the United States either accepts or rejects a whole bill since he does not have the partial or item veto which the overwhelming number of state governors possess.¹¹² A number

¹⁰⁹ William Marion Gibson, *The Constitutions of Colombia*, Durham, N. C., 1948. 43.

¹¹⁰ Article 186. Plata Uricoechea, *El Régimen Constitucional en Colombia y en los Estados Unidos*, 78.

¹¹¹ C. A. Novaro and H. F. Hroncich, 320. This absolute or pocket veto "exposes the political regime, monarchical or republican, to grave dangers." L. F. Villaran, *La Constitución Peruana Comentada*, 282 cited by Miranda Arenas, 34.

¹¹² Significantly, though, the President of the Confederate States of America could exercise the item veto, (Article 1, section 7). William Macdonald, *Documentary Source Book of American History 1606-1898*, New York, 1909, 427. Henry Campbell Black, *Relation of Executive Power to Legislation*, 103; W. Brooke Graves, *American State Government*, 390.

of Latin American constitutions provide for the partial veto.¹¹³ Under the Constitution of 1853 the Argentine President did not have the item veto although in practice he exercised it anyway, but the amended Constitution now gives him this power.¹¹⁴ In a similar disregard for constitutional limitations, the President of Brazil exercised the item veto, before the new constitution went into effect, even when not specifically granted.¹¹⁵ The great defect of our veto is that it is total and not partial.¹¹⁶ If the President of the United States possessed the power of the partial veto he could restrain congressional extravagances, for often the President is forced to accept bills, usually appropriation bills, even if unjustifiable items are included because to veto such a bill might add to the President's difficulties. Vetoing a bill might mean an extra session of Congress or the curtailment of indispensable national services. The "rider" is an attempt to rob the President of his complete constitutional freedom of accepting or rejecting bills on their merit. It is considered congressional usurpation. Further, it is forbidden by the Senate rules.¹¹⁷ Despite reforms in the budget such legislative riders throw a real kink into the President's financial progress. President Andrew Johnson was virtually deprived of his power as Commander-in-Chief of the Army because of a rider on an appropriation bill. After encountering riders from Congress, President Franklin Roosevelt in his 1938 message to Congress recommended appropriate legislation on a constitutional amendment, whichever Congress

¹¹³ Brazil (Art. 70, cl. 1), Mexico (Art. 72, cl. 3), Paraguay (Art. 79), Uruguay (Art. 128) and Argentina (Art. 73). Some states have it constitutionally and others by custom and practice. Henry Campbell Black, 107.

¹¹⁴ M. Santa Cruz, 111. President Irigoyen struck out certain provisions on laws imposing internal taxes and promulgated the remainder. The protests were without practical results. Austin F. Macdonald, *Government of the Argentine Republic*, 95, 202. Antokoletz, *Tratado de Derechos II*, 521. See Article 73. The Governors of the Argentine provinces, like the governors in the United States, by and large enjoy the item veto. For Argentina see C. A. Novaro and H. F. Hroncich, 319 and for the United States see W. Brooke Graves, 203.

¹¹⁵ Hambloch, *His Majesty, The President*, 90. The partial veto was permissible in the Constitution of 1934 (Article 70, clause 1). Pedro Calmon, *Curso de Direito Constitucional Brasileiro*, Rio de Janeiro, 1947, 161. Also the "budgetary tails" (riders) disappeared in the 1934 Constitution. Arizio de Viana, *Budget Making in Brazil*, Columbus, Ohio, 1947, 4.

¹¹⁶ Harold J. Laski, 143. President William H. Taft, *The Presidency*, 20, believed that perhaps it is a good thing on the whole that the President does not have the item veto.

¹¹⁷ For an abbreviated version of a veto message to Congress vetoed partly as a result of a legislative rider, see the message of President Truman to Congress January '28, 1946, in William B. Stubbs and Cullen B. Gosnell, *Select Readings in American Government*, New York, 1948, 475. For a support of riders, see Edward Corwin, 504, note 55.

deemed best, to authorize the item or partial veto.¹¹⁸ It is the belief of Carl Brent Swisher that if the President had the power of selective veto it is possible that to even a greater extent the Congress would shift to the President the responsibility for decisions on policy and controversial matters.¹¹⁹

Presidential supremacy and the use of the item veto nullifies the need, on the one hand, of Congress asserting its authority against the President or, on the other, attempting to insert in their bills objectionable matter or riders. This is unthinkable in Latin-America. As Macdonald points out, congressmen are the President's men who "would not dream of overriding a presidential veto, despite the fact that the constitution guarantees them that right."¹²⁰

The President by the weight of his office and his dramatic unity can usually prevent Congress from mustering two-thirds of each chamber to override him. One-third of Congress is all the President needs to sustain his veto. It might be noted that large numbers of congressmen, taking advantage of the difficulty of overriding the veto frequently pass inadvisable but popular legislation hoping and expecting the President will show more courage than they and veto the bill. In this way, they please their constituents or other interested groups. This is clearly seen in that the President's veto, when it appears in danger of being overridden by Congress, receives the support of congressmen who originally opposed the measure. Thus, passing legislation over the President's veto if not rare is rather difficult. It did not happen the first fifty years of the presidency.¹²¹

¹¹⁸ *Ibid.*, 504, note 55. During World War II a rider attached to a wartime appropriation bill was sent to President Roosevelt which cut off the salaries of three employees whom President Roosevelt would not discharge. They were under fire of the Committee on un-American Activities. The President signed the bill saying, in part: "The Senate yielded, as I have been forced to yield, to avoid delaying our conduct of the war. But I cannot so yield without placing on record my view that this provision is not only unwise and discriminatory, but unconstitutional." Frank, *Cases on the Constitution*, 53. Subsequently, the President was sustained in *United States v. Lovett*, 328 U. S. 303.

¹¹⁹ Swisher, *The Theory and Practice of American National Government*, 349, Bryan Putney, "Extension of the Veto Power," *Editorial Research Reports*, vol. 2, No. 24 (December 28, 1937). A Gallop Poll release of November 16, 1945, showed strong public support to give the President the selective veto by means of a constitutional amendment. *Chicago Daily News*, November 16, 1945, 25.

¹²⁰ Austin F. Macdonald, *Latin American Politics and Government*, 12.

¹²¹ Harold J. Laski, 143. Only 9 out of 371 veto messages of President Franklin Roosevelt were overridden. According to Pendleton Herring the item veto would "cheapen" the veto power robbing it of "anything like a rebuke to Congress which it is now." Pendleton Herring, *Presidential Leadership*, 77.

Presidents Cleveland and Franklin D. Roosevelt are considered the veto presidents. Between them they vetoed two-thirds of all bills ever vetoed.¹²² Thus, at least in the United States the veto power has become a powerful weapon to nullify legislation which the President believes injudicious or unconstitutional.¹²³ Proposed legislation is sometimes stymied because the President threatens use of the veto. Neither of these powers, as we have seen, are exercised by Latin American presidents because in that climate of constitutional prerogative and political tradition they are superfluous.

Only in the United States, Argentina and Uruguay is the Congress, in rejecting a bill, required to insert its vote in the journal or otherwise publish the yeas and nays. In Uruguay in the case of reconsideration of a bill returned by the Executive, the votes shall be yea and nay by roll call, and both the names of the voters and their reasons for voting, as well as the objections or observations of the Executive, shall be published immediately by the press; and, similarly, in Argentina¹²⁴ the yeas and nays and names "and the reasons of the voters, as also the objections of the Executive power, shall be published immediately by the press." The yeas and nays of each person voting on a presidential veto in the United States shall be recorded in the journal of each House respectively.¹²⁵ Only in

¹²² Cleveland was called the "Veto Governor" of New York and before that the "Veto Mayor" of Buffalo. Hugh A. Bone, *American Politics and the Party System*, New York, 1949, 286. President Franklin Roosevelt vetoed 371 bills with messages and 260 non-action (pocket vetoes) for a total of 631. In Cleveland's first term he vetoed 302 bills with messages and 10 non-action for a total of 312. In his second term he vetoed 42 bills messages and 121 by non-action for a total of 163. His two term total was 475 bills. Together Cleveland and Roosevelt vetoed 1106 bills. As of the end of July, 1952, President Truman had used the veto 232 times since 1945 and had been overridden by Congress 10 times. See the chart of presidential vetoes since 1885 in the *New York Times* June 29, 1952, 10 B. Presidents in Latin America prefer private conversations with legislators and, in ironing out their differences, make use of the veto less important. This is the argument of J. O. Muscote, *Introducción al estudio de la Constitución*, 263 cited by Miranda Arenas, *El Jefe de Estado*, 75.

¹²³ Taft, *The Presidency*, 13-14.

¹²⁴ Uruguay Constitution, Article 130, Argentine Constitution, Article 73. Here the names of the legislators shall be publicised "in order to accentuate the responsibility of the members of Congress." Antokoletz, I, 520.

¹²⁵ Article I, Section 7, Clause 2. The legislatures of United States and Argentina are generally similar as regards the veto except (1) the publication by the press in Argentina and by each house in the United States, and (2) in the United States a vetoed bill is not prohibited from being introduced into Congress in the same session. On Argentina see Antokoletz, II, 519. Similarly, vetoed bills rejected in El Salvador (Article 74) and Uruguay (Article 129) cannot be reintroduced until the next session. Thus, this means an absolute veto at least for the session.

two constitutions is the president required to consult the cabinet or council of ministers before rejecting a bill.¹²⁶

Constitutional amendments, concurrent and simple resolutions, and resolutions of adjournment (Article 1, section 7, clause 3) are not sent to the President for acceptance or rejection.¹²⁷ In several Latin American states, also, there are resolutions on various subjects which, under the constitution, must go to the president.¹²⁸

The Supreme Court of the United States has no general veto power over congressional legislation. Its right to declare an act of the legislature unconstitutional springs into operation only when there is a proper case for judicial determination. The Court in administering the law and in pronouncing a judgment enforces the constitution as the supreme law of the land. Were the Court to express an official opinion on legislation before an actual case or controversy were presented to it, it would be usurpating a function placed upon the political branches of the government. If an unconstitutional law is enacted its enforcement can be arrested but the Court cannot forbid the act's passage. Legislative discretion is not subject to judicial interference.¹²⁹ By contrast, in several constitutions of Latin America the supreme court is concerned with the vetoing of bills. If the President of Colombia objects to a bill on grounds of unconstitutionality it is exempted from provisions of Article 88 dealing with those general matters over which the President has no veto. If the chambers still insist, the Supreme Court within six days shall decide upon its acceptability. The President must approve the law if the Court's decision is favorable; if the decision is unfavorable the bill is sent to the archives.¹³⁰ In Honduras (Article 108) a bill vetoed because unconstitutional goes first

¹²⁶ Guatemala (Article 124), Nicaragua (Article 119).

¹²⁷ "The negative of the President applies only to the ordinary cases of legislation; he has nothing to do with the proposition or adoption, of amendments to the Constitution." Hollingsworth v. Virginia, 3, Dall. 378 (1798). In Nicaragua, though, the President can disapprove of a proposed amendment. (Article 348, clause 6). In Uruguay (Article 281, clause 4) and El Salvador (Article 189) the President cannot. Neither, it appears, can he in Argentina. Novaro and Hroncich, 318. Mathews, *The American Constitutional System*, 149.

¹²⁸ These are listed in the Constitutions of Honduras (Article 110, clauses 1-8), Nicaragua (Article 199, clauses 1-6), and Mexico (Article 72). Such clauses deal with presidential resignation, budget matters, presidential conduct, congressional matters of internal government (opening and adjourning Congress, moving the President's residence, suspending sessions, and others).

¹²⁹ *Constitution of the United States (Annotated)*, 104.

¹³⁰ Article 90. In Ecuador, the procedure is similar except that the court has eight days to render an opinion. (Article 67).

to the Supreme Court of Justice who shall give a report within the time indicated by Congress. If the President of Panama vetoes a bill because unconstitutional and if passed over his veto by the assembly it goes to the Supreme Court. If the Court says the bill is constitutional it becomes law according to Article 131.

The president in Latin America promulgates laws passed by congress and signed by him. However, Latin American constitutions provide for other modes of promulgation. After overriding the veto in Bolivia, the President is given ten days in which to promulgate the law. According to Article 79 if he fails to do so "the bill shall be promulgated by the President of the Congress." In Chile (Article 235) and Colombia (Article 86) if the President does not return the bill within the constitutional time limit it is understood that he approves it and will promulgate it as law.¹³¹ After overriding a veto the President in Nicaragua has ten days to promulgate it and if he fails the President of Congress (Article 193) will cause it to be published in any periodical of the capital. In Ecuador (Article 70) laws will have force only by being promulgated in *Registro Oficial*, in Peru . . . "in some periodical" (Article 129) while in Panama if the President fails to return the bill in the stipulated time he may not fail to sanction and promulgate it. He must publish the bill, sanctioned or vetoed, within ten days of the adjournment.¹³² The President of Brazil has only forty-eight hours in which to promulgate a bill which has been overridden by Congress. If he fails then the President of the Senate promulgates it. If within an equal period of time he does not promulgate it then according to Article 70, clause 3 the Vice-President of the Senate shall. If a bill passes in Argentina over a veto the President must promulgate it. He cannot refuse "without committing a grave offence" and being held accountable for it.¹³³ The Mexican President simply executes and promulgates the law by decree making known to the nation that Congress has passed a given law and ordering its printing, publication and fulfillment.¹³⁴

After the President of the United States signs the enrolled copy

¹³¹ For a definition of promulgation by a Chilean see J. G. Guerra, *La Constitución de 1925*, 288, as cited by Miranda Arenas, 38.

¹³² Article 129. In Venezuela, the President must promulgate it within five days after again receiving it from Congress. (Article 173).

¹³³ Antokoletz, II, 521. "In effect, the sanction of the law is the establishment of the sovereign command by the harmonious will of the co-legislator's; *promulgation* is the formal act of the Executive Power . . . and *publication* is the publicity of the law." Novaro and Hroncich, 314.

¹³⁴ Goodspeed, "The Role of the Executive in Mexico," 444.

of the enactment he then sends it to the Secretary of State for promulgation and archival custody.¹³⁵ The President signs the bill and nothing more. He need not write the word "approve" nor the date and if no date appears on the face of the roll the Court, in determining when such an act went into effect, may resort to any information that will give it a clear and satisfactory answer, for example, the original roll or other official records.¹³⁶ A bill becomes a law on the day the President approves it. Where Congress's intention is clear, it can take effect prior to that date but where no time is affixed by the act it is effective on approval.¹³⁷ If Congress adjourns before the President signs a bill he can pocket veto it. For some time it was not clear whether the President could sign a bill into law after Congress had adjourned. Apparently, until Wilson's administration it was believed he could not sign since the President, in signing a bill, is exercising a legislative power and Congress must be in session. In June, 1920, acting on the advice of the Attorney General, President Wilson signed some bills after Congress adjourned. This, however, was between sessions and not congresses. On March 5, 1931, President Hoover signed a bill after Congress had expired. This was upheld by the Supreme Court.¹³⁸

(To be concluded)

JOSEPH MENEZ

Loyola University
Chicago

¹³⁵ Dixon and Plischke, *American Government, Basic Documents and Materials*, 128.

¹³⁶ *Constitution of the United States (Annotated)*, 119-120. The President's signing of important bills is always ceremonial. He signs the bill with a number of pens and distributes them as souvenirs. Anthony Leviero, "Fistfuls of Pens," *New York Times Magazine*, March 12, 1950.

¹³⁷ *Constitution of the United States (Annotated)*, 120. President Truman has left a written record of the manner in which a bill leaves the legislature and becomes a law. Hillman, *Mr. President*, 26-30. Truman signed his name from 200-800 times daily, *Fortune*, "The Government of the United States," 76.

¹³⁸ Mathews, 148. The Supreme Court upheld President Hoover in *Edwards v. United States* 286, U. S. 482 (1932). However, it was not held that a President newly inaugurated could sign bills passed during the term of his predecessor.

The Cleveland Convention, 1864, and Radical Democrats

In 1864 there was much opposition being offered to Lincoln's plans for re-nomination by certain abolitionists and German-Americans, who belonged to the so-called "radical" wing of the National-Union Party. Some radicals attempted to supplant the president with Secretary of the Treasury Salmon P. Chase, who was eager for the nomination. Chase, however, failed to develop sufficient backing in face of Lincoln's great popularity among the voters, his patronage, and his well organized machine. The secretary was forced from the race early in March.

Though many of Lincoln's opponents now reluctantly confessed that they would have to support him, there were a few who refused to do so. These were the extreme abolitionists and the radical German-Americans who opposed Lincoln's policies on emancipation and reconstruction. They backed a movement to secure the nomination of General John C. Frémont.

Frémont had been in Paris when the war broke out, but he returned promptly and was given a major generalcy and placed in command of the western department with headquarters in Missouri. There were two groups fighting for power in the state. On the one hand stood the radical "Charcoal" faction led by such men as B. Gratz Brown, Henry T. Blow, and Benjamin Loan. They were opposed by the moderate, pro-Lincoln, "Claybank" faction led by Governor Hamilton Gamble, and Lincoln's staunch friend, Representative Francis P. Blair. Frémont, because of his intense anti-slavery sentiments, soon found himself allied with the Charcoals, and this earned him the hatred of the Blair family, which had great influence with Lincoln. Frémont's position in Missouri was further complicated in August 1861 when he issued his famous order emancipating the slaves of Confederate sympathizers. Though this move was hailed by the abolitionists as a death blow aimed at the fundamental cause of the war, Lincoln refused to go along with his general and rescinded the order after Frémont consistently refused to modify it.

During the summer of 1861 Frémont became the stormy petrel of Lincoln's administration. His slavery proclamation, his ruinous

strife with the Blairs, and the disheartening military campaign in his state, left Lincoln no alternative but to remove him. The following year he was reassigned to duty in the mountain department. Here again he was beset with difficulties and was finally removed at his own request.

Frémont's military career was over, but he did not know it at the time nor did his friends. The general rusticated on the inactive list in New York until 1864 when he finally resigned from the army. During this period he became interested in railroad construction in the far West, but he at length decided to seek vindication of his wrongs in the political arena. Many of his friends and especially his ambitious wife encouraged him. As early as May, 1863, it became known among a few select friends that the general was going to seek the presidency.

As Frémont's support developed it came from the German population and the abolitionists. A meeting of the former had been held at Cleveland on October 20, 1863, and a platform was adopted which was to foreshadow the one adopted at the same city the following year.¹

As far as the abolitionists were concerned their chief spokesman, Wendell Phillips, was loud in his denunciation of Lincoln and Chase. His speeches radiated cordiality for Frémont, especially after the issuing of the 1861 proclamation. Phillips probably had more to do than any other man in shaping the deliberations of the Cleveland convention although he was not present at the meeting.²

Not all the abolitionists, however, were willing to lend their support to an anti-Lincoln crusade. At the meeting of the Massachusetts Anti-Slavery Society in January, 1864, when Phillips spoke against Lincoln's premature reconstruction program based on the non-enfranchisement of the Negroes, William Garrison supported Lincoln. "What about Frémont?" cried Garrison, "Events have occurred within a year greatly to diminish my faith in Frémont."³

¹ The platform of the 1863 meeting denounced states rights and demanded the suppression of the rebellion, the abolition of slavery, and a revision of the Constitution in accordance with the spirit of the Declaration of Independence. The South was to be regarded as "territories for the purpose of reconstruction," estates were to be given to the slaves, a national militia modeled after the Swiss was to be established, and they also demanded that support be given to all European revolutionary movements. Carl Wittke, *Against the Current: The Life of Karl Heinzen, 1809-1880*, Chicago, 1945, 192.

² Effie McKinney, "The Cleveland Convention," (Unpublished A. M. Thesis, Department of History, Western Reserve University, 1928), 3.

³ Wendell Garrison and Francis Garrison, *William Lloyd Garrison, 1805-1879*, London, 1889, IV, 94.

In February, Owen Lovejoy, another important abolitionist leader, wrote "I am satisfied . . . that if he [Lincoln] is not the best conceivable President, he is the best possible."⁴ Francis Lieber, the German anti-slavery leader, declined an offer in March to become the leader of the New York Frémont club. "I am convinced," he wrote, "that every personal election movement at this time can only tend to weaken us . . . I believe the nomination of my friend General Frémont can have no other effect than the division of our forces, but not his election."⁵ Although not all the important abolitionists were willing to join the Frémont movement a sufficient number did so to make it formidable. After Chase's withdrawal in March many radical leaders confessed they had no choice but to support Lincoln, but the pro-Frémont movement continued to gain strength too.

The movement in support of Frémont probably started in Missouri. Many Germans were completely unhappy about what Lincoln was doing in their state, and they were keenly aware of their strength and suspected that they could play an important role in the coming presidential election. "The Germans," boasted their journal, *Neue Zeit*, "will hold the balance of power in the radical party." The editor claimed that Lincoln should be rejected and said, "the present time is the time to elevate a new standard."⁶ This German opposition to Lincoln was manifested shortly after the removal of General John C. Schofield in the fall of 1863.⁷ The Blairs were working among their friends in Missouri to procure a declaration in favor of Lincoln's re-election, but word arrived that when a meeting was held "considerable opposition was manifested by some of our truest and best men."⁸ An attempt to get an endorsement through the state legislature was also voted down despite the

⁴ Owen Lovejoy to Garrison, February 22, 1864, in *Ibid.*, IV, 97.

⁵ Francis Lieber to Sinclair Tousey, March 17, 1864, in Frank Friedel, "The Life of Francis Lieber," (Ph.D. Dissertation, Department of History, University of Wisconsin, 1941), 628-629.

⁶ *St. Louis Neue Zeit* in *National Intelligencer*, July 25, 1863.

⁷ Schofield had been appointed to replace Frémont in Missouri. He was a conservative and a great friend of the Blair faction. This did not endear him to the Charcoal faction and a movement began to force Lincoln to recall him. This movement came to a head in the fall of 1863 when Lincoln finally was forced to placate the radicals in Missouri by replacing Schofield with General Rosecrans. The Germans in Missouri, however, were still not completely reconciled with Lincoln and they began to push the Frémont nomination.

⁸ R. J. Howard to Montgomery Blair, December 28, 1863, Blair MSS, Library of Congress.

herculean efforts of Secretary Montgomery Blair's men from the postal department.⁹

In February B. Gratz Brown and some members of the Missouri legislature helped arrange a meeting at Louisville, Kentucky. Efforts were made at this meeting to arrange for a national convention in May at St. Louis for the purpose of nominating Frémont, but it was not given sufficient support.¹⁰ When they returned home, the Missouri delegates continued their work for Frémont, and the *Neue Zeit* and *Westliche Post* urged all the radicals to support openly this movement. Pro-Frémont movements began to develop in New York, New England, and the Old Northwest.

By February the prospects of having Frémont in the race as a third party candidate were obvious to many persons. Adam Gurowski noted on February 14 that he had recently heard "Frémont's chances increase in proportion as Lincoln's decrease."¹¹ Joseph Medill, editor of the *Chicago Tribune*, was alarmed at the German opposition to Lincoln. He wrote that most of them were bitter toward Lincoln because of his treatment of Frémont, and he proposed the general should be returned to command in West Virginia.¹² It is difficult to gauge accurately the full strength of the German movement for Frémont. Caspar Butz, militant leader from Illinois and editor of the *Deutsche-Amerikanische Monatshefte*, remarked in February that the Germans controlled 400,000 votes, but whether all these supported Frémont would be a moot question.¹³ Several observers who were close to the movement reported conflicting estimates of its strength.

Frémont had no real support from influential men throughout the country. He had no patronage with which to construct a machine, and he had no organization in existence, nor did he create one. Even Gurowski had to confess that "Frémont's movement . . . has in it too much of the foreign element, and it does not seem that men of real weight care to enter into it."¹⁴

⁹ *St Louis Democrat in National Intelligencer*, February 25, 1864.

¹⁰ E. Merton Coulter, *The Civil War and Readjustment in Kentucky*, Chapel Hill, 1926, 179-180. Ruhl Bartlett, *John C. Frémont and the Republican Party*, Columbus, 1930, 95-96.

¹¹ Adam Gurowski, *Diary*, Washington, 1866, III, 101.

¹² J. Medill to Elihu Washburne, February 12, 1864, Washburne MSS; S. W. Masters to Washburne, January 25, 1864, Washburne MSS, Library of Congress; J. A. Briggs to Salmon Chase, February 15, 1864, Chase MSS, Library of Congress.

¹³ *Cincinnati Enquirer*, February 23, 1864.

¹⁴ Gurowski, III, 161.

One thing which undoubtedly accounts for the often overestimated strength of the Frémont movement was the attitude of the Democratic press. Many editors representing that party gave the Frémont movement considerable space, and they continued to play up its importance. This fact led many to suspect that there was considerable danger that the Democracy would swallow up the radical German faction by making Frémont its candidate. There does not seem to be any evidence that the Democrats were interested in Frémont as a possible candidate. They probably overemphasized the importance of his movement to encourage the Germans to continue their disruptive work, to frighten the administration, and to rouse the lagging spirits of their own partisans by showing them the opposition was torn by strife.

The Frémont leaders continued to plan for a national convention to put the general forward as the nominee of a third party. Plans were first formulated for a meeting at Cleveland on May 10, but the date was finally postponed until three weeks later. A group of malcontents in St. Louis, who had persistently refused to accept the re-nomination of Lincoln, were responsible for issuing a call for this convention. Joining forces with a small but vocal organization in New York, the Central Frémont Club, they denounced the "imbecile and vacillating policy of the present Administration" and demanded "the immediate extinction of slavery throughout the whole United States, by congressional action, the absolute equality of all men before the law," and the confiscation of rebel property.

A second call to the convention was addressed simply to "the People of the United States." Forty-seven signatures were affixed to this document representing Illinois, Pennsylvania, New Jersey, Iowa, Wisconsin, Mississippi, Ohio, Maine, New York, Massachusetts, and Missouri. The call stated that after having "labored ineffectually to defer . . . the critical moment when the attention of the people must inevitably be fixed upon the selection of a candidate" the time had come for "independent men" to confer together and unite to resist the "swelling invasion of an open, shameless, and unrestrained patronage which threatens to engulf under its destructive wave the rights of the people, the liberty and dignity of the nation."¹⁵ The signers said they were "deeply impressed" with the

¹⁵ There had been a movement during the early months of the year to have the convention meet in September, but the party's national committee, which was pro-Lincoln, decided in favor of calling the convention at Baltimore early in June. This was done so that they could better capitalize on the president's great popularity.

fact that in revolutionary times the patronage and the administration which sought to control "the remotest part of the country in favor of its supreme chief" was a danger which threatened all republican institutions. Therefore, they believed that the one-term principle should be adhered to in 1864. The document went on to explain that they did not recognize the Baltimore convention as a truly national convention for its propinquity to Washington would make free deliberations impossible. Cleveland was, therefore, selected as a better site for a national meeting. The call named no candidate.

A third call, like the second, also came from New York and was issued by state comptroller Lucius Robinson. It was addressed to all those who believed that the rebellion could be suppressed without infringing upon individual rights, and to those who favored economy and an amendment abolishing slavery. Though there was a wide difference of principles evident in the three calls, they were agreed on their common antipathy to the president.¹⁶

As the organization for the Cleveland meeting began to take shape the names of several men came before the public who actively supported it. Amazingly enough, though there was so much hostility toward Lincoln, few really prominent men were involved in the movement. Among the most distinguished names associated with the proposed Cleveland convention were those of Wendell Phillips, Elizabeth Cady Stanton, Lucius Robinson, John Cochrane, Emil Pretorius, B. Gratz Brown, Karl Heinzen, Caspar Butz, and Frederick Kapp. There were some who insisted that Senator Samuel Pomeroy, who had managed the Chase boom, was also interested in the proposed Cleveland meeting, but there was little evidence to support such a claim.

Of the convention itself, one gets widely variant notions, depending upon whether a Republican or Democratic paper supplies the information. The Democratic papers for days before the assembly enthusiastically told of the vast crowds that were to attend the meeting, asserting that several thousand delegates were to be present to voice their displeasure with the administration; two thousand delegates were allegedly coming from St. Louis alone. A local Democratic journal crowed, "The Cleveland convention will efface Old Abe's last chance for the Presidency and will completely extinguish the proposed convention at Baltimore."¹⁷ An exagger-

¹⁶ Edward McPherson, *A Political History of the United States of America during The Great Rebellion*, Washington, 1866, 410-411.

¹⁷ *Cleveland Plain Dealer*, May 17, 1864.

ated account of the excitement prevailing in Cleveland during the days preceding the convention was given in the *Plain Dealer* which predicted that there would not be sufficient hotels in Cleveland to accommodate the throngs.¹⁸

Of the more prominent men who arrived before the opening of the convention must be included the names of General John Cochrane; Edward Gilbert, President of the Frémont Club of New York; Colonel Charles Moss of Missouri, who spent much time addressing group meetings of Germans and radicals; ex-Senators Andrew Colvin and Carroll of New York, and two of the former members of Frémont's military staff, Major Charles Zagonyi and Colonel Leonidas Haskill. Many who had been equally prominent in arranging the meeting were conspicuously absent, viz., Phillips, Greeley, and Frederick Douglass.

Before the convocation of the regular meeting a group of twenty-seven Germans representing ten states and the District of Columbia assembled and drafted resolutions favoring the creation of a new party to be known as the "Liberty Party." They endorsed Frémont, trial by jury, the Monroe Doctrine, and the one-term principle, as well as adopted a resolution condemning the suppression of newspapers by the administration and another calling for a constitutional amendment abolishing slavery. Most of these resolutions were to appear later in the regular platform adopted by the convention.¹⁹

The first session of the regular convention opened in Chapin Hall on May 31. The President of the New York Frémont Club called the meeting to order and asked for the nomination of a temporary chairman. Former Governor Nathaniel Johnson of Pennsylvania was selected. The formal organization resulted in John Cochrane being chosen presiding officer with vice-presidents selected from several states.

During the preliminary work of organizing the meeting a lively debate arose on the matter of credentials. Since many delegates had been sent from political bodies that had given them no credentials, it was decided to withdraw this requirement, however, Ganz of Missouri forced the re-opening of the discussion for "the time would come," he said, "when it would be considered an honor to have

¹⁸ The convention is not well reported in the Cleveland papers, but there is excellent coverage in the papers of the principal cities. Reporters were present from the *New York World*, *New York Tribune*, *New York Herald*, *Chicago Times*, *Chicago Tribune*, *Columbus Crisis*, *Cincinnati Commercial*, and *Cincinnati Gazette*, to mention only a few papers which gave the affair considerable attention.

¹⁹ Wittke, 193.

been a member of such a convention, therefore, there should be a record to show the world and all lovers of liberty and law that we are here for a great and good purpose in 'spite of Lincoln and the Devil.'²⁰ After a lengthy discussion it was decided to register the names of all present with the statement that each delegate had come in response to the calls issued. Only one hundred fifty-eight signed the register, but these may have been actually only a small fraction of the delegates present for many estimated the total as high as four hundred. In any event, the turnout was a disappointment, for many had predicted the convention would be a giant mass rally in protest to the injustices of Lincoln's administration. The *Detroit Tribune* asked derisively, "Were the immortal 158 the masses? Truly answers Echo—Them Asses!"²¹

The afternoon session opened with a report of the committee on credentials which reported delegates present from fifteen states and the District of Columbia. While awaiting the resolutions committee's report the assembly was addressed by various speakers who belabored the theme of Lincoln's usurpations and called for absolute and unconditional emancipation. After these speeches were concluded, the chairman of the resolutions committee returned the following report:

- 1 That the Federal Union shall be preserved.
- 2 That the Constitution and Laws of the United States must be observed and obeyed.
- 3 That the Rebellion must be suppressed by force of arms and without compromise.
- 4 That the rights of free speech, free press, and the *habeas corpus* be held inviolate save in districts where martial law has been proclaimed.
- 5 That the Rebellion has destroyed slavery and the Federal Constitution should be amended to prohibit its re-establishment, and to secure to all men absolute equality before the law.
- 6 That integrity and economy are demanded at all times in the administration of the Government; and that in time of war the want of them is criminal.
- 7 That the right of asylum except for crime and subject to law is a recognized principle of American liberty; that any violation of it cannot be overlooked, and must not go unrebuked.
- 8 That the national policy known as the "Monroe Doctrine" has become a recognized principle, and that the establishment of an anti-Republican Government on this continent by any foreign power cannot be tolerated.

²⁰ *New York Times*, June 1, 1864; *Detroit Tribune*, June 1, 1864; *Cleveland Plain Dealer*, May 31, 1864.

²¹ *Detroit Tribune*, June 6, 11, 1864.

9 That the gratitude and support of the nation are due to the faithful soldiers and the earnest leaders of the Union army and navy for their heroic achievements and deathless valor in defense of our imperiled country and of civil liberty.

10 That the one-term policy for the Presidency adopted by the people, is strengthened by the force of the existing crisis.

11 That the Constitution should be so amended that the President and Vice-President shall be elected by a direct vote of the people.

12 That the question of the Reconstruction of the rebellious states belongs to the people, through their representatives in Congress and *Not* to the Executive.

13 That the confiscation of the lands of the rebels and their distribution among the soldiers and actual settlers, is a measure of justice.²²

After the formal presentation of the resolutions a letter was read from Wendell Phillips, who had disappointed the delegates by his failure to come to the meeting.

Phillips' letter was written from Boston under date of May 27. It began with formal charges against Lincoln for conciliating the rebels instead of subduing them when he had at his disposal the necessary weapons to end the struggle. If Lincoln were re-elected, Phillips stated, he saw nothing ahead for the country except despotism and its train of evils, and over-taxation which would reduce the laboring classes to pauperism.

By way of constructive criticism Phillips suggested what he believed was an expedient plan for reconstructing the South, which was the admission of the Negro to citizenship and the ballot, for "the Negro together with the white man must be used as the basis for states," he argued, "Thus making every man and race equal before the law." He called for a constitutional amendment that would forever prohibit slavery. The letter closed with the author's endorsement of Frémont.

The entire letter was enthusiastically received by the convention and that it was influential in determining the course of the debate that followed was evident from the frequency with which it was quoted. Wild, unreserved cheering disturbed the hall at the announcement that Phillips favored Frémont. It became apparent at once that a majority of the delegates at the meeting were there for the purpose of pressing the presidential aspirations of the former general.

The Phillips letter served to point up the division which existed among the delegates at Cleveland. There was a large group from

²² McPherson, 413.

the West, primarily Missouri, which wanted to nominate Frémont. A second and somewhat smaller group of War-Democrats came from New York; they were thinking in terms of securing the nomination of Grant with Frémont as his running-mate. There were also a great many Democrats present at the meeting who had supported General George B. McClellan. They were interested in fusing with the Grant men from New York and other eastern states and presenting Grant as a compromise candidate who could unite the war and McClellan Democrats against Lincoln. When it became apparent that Frémont might be nominated the McClellanites lost interest in the meeting. To them Frémont's radicalism was "too much of a neck stretcher for conservative Democrats to swallow."²³

The Grant men, who were led by Cochrane and Colvin, came to the defense of their man after the Phillips letter was finished. Colvin offered Grant as a candidate who could carry New York state by 100,000 over Lincoln, and a letter was read from Lucius Robinson which exalted Grant as a man of ability and one dedicated to the cause of freedom. Although the military successes of Grant were stressed and his popularity as a national hero emphasized, it was clear from the lack of applause that it was Frémont and not Grant who was the choice of the majority of the delegates.

At this point a call was given for the consideration of the resolutions. Only the fifth and eighth provoked any discussion, and only the latter was slightly modified at the insistence of the delegates. These resolutions were adopted with a rapidity and lack of deliberation that was amazing. There were a few raucous speakers from Missouri who took charge of the meeting and bludgeoned their program through in a harsh, domineering manner which seemed quite inconsistent with the lofty principles in the various calls to the convention.

Now that the question of a platform was settled, a motion was made by Charles Moss of Missouri that the convention should proceed to the nomination of a candidate for president. An immediate objection was raised by the delegates from the states of New York and New Jersey on the ground that the people of their respective states should have an opportunity to study the platform, and they further contended the nominee could not be elected without the support of the populous eastern states, and it would not be possible to get it if summary action was taken at the convention. The westerners had hoped to name a slate of candidates, and they now in-

²³ *Cleveland Herald*, May 27, 30, 31, June 1, 1864.

sisted upon immediate action. To accomplish the selection of Frémont they had sent large delegations while the eastern states with smaller representation were clamoring for time to return home to stir up interest for their favorite—Grant.

There was further controversy over the manner in which the candidates were to be named. Since the westerners had sent much larger delegations, they favored the plan of having each registered delegate vote; while the easterners claimed that it was unjust for such populous states as their own to be outvoted by the thinly settled states of the West. They argued in favor of apportioning votes among the states on the basis of the number of electors to which each was entitled. This plan was suggested originally by the committee on organization which was packed with easterners. Caspar Butz was on his feet at once denouncing such a move. It would be unfair, he argued, to permit a large state represented by one, three or four men to cast more votes than a smaller state represented by a much greater number. He proposed that each delegate cast one vote. This recommendation was received with considerable applause and was sustained by Charles Moss. "If you vote by men," shouted an easterner, "nothing will stop them from bringing in people from the street." His objection was speedily overruled; the committee's recommendation was voted down. A counter proposal from the eastern group that the convention should adjourn so that the nomination could be made at a later date was also shelved. Frémont was then nominated without further opposition, and as a sop to the easterners, Cochrane was chosen as his running-mate.

The press made much of the fact that the convention had committed a ludicrous faux pas by nominating two men from New York, thereby making it impossible for the electors of that state to vote for both of them without violating the constitution. Actually this situation had been discussed at the convention. The delegates concluded that Frémont was still a resident of California, and they based this on the fact that it was so listed in the army register.²⁴

In a lengthy letter of acceptance Frémont took occasion to criticize the administration's conduct of the war and to hold Lincoln responsible for division and disloyalty within the ranks of his party. The resolutions adopted by the convention all met with his approval except the one concerning confiscation. His objection to this plank was that it savored of revenge; that peace and abiding happiness could not be attained in that way. Frémont's letter concluded with a

²⁴ *Cleveland Herald*, June 1, 1864.



bribe offered to the coming Baltimore convention. He asserted his willingness to withdraw from the nomination if the regular party conclave selected anyone except Lincoln; otherwise there was no course for him but to accept the candidacy so as to prevent the country going into bankruptcy and a continuance of the destructive policy of the preceding three years. At first Cochrane declined the proffered nomination "with a virgin coyness," but he later reconsidered and accepted.²⁵

The die had been cast and Frémont was afield as the candidate of the new Radical Democratic Party. The whole affair had aroused little enthusiasm among the radicals; George Julian expressed his opinion that the whole affair had been a sad mistake, Senator Zachariah Chandler said that its only usefulness might be to serve as a rallying point in the event sufficient anti-Lincoln sentiment developed, and General Palmer expressed his belief to Senator Lyman Trumbull that Frémont's power in the West was really slight.²⁶ Garrison said that in his recollection there never had been a more abortive or a more ludicrous gathering than the Cleveland convention.²⁷ Gideon Welles characterized the assembly as a "meeting of strange odds and ends of parties, and factions, and disappointed and aspiring individuals . . . a heterogeneous mixture of weak and wicked men."²⁸ The *Philadelphia Evening Bulletin* described the personnel as "broken down politicians" disgruntled because Lincoln had not given them "a fine fat office or a high military position."²⁹ *Harper's Weekly* insisted that the only reason they made the journey to Cleveland at all was to gain revenge against the administration, while Henry Raymond's *Times* said that the meeting was a "form of mental hallucination."³⁰ Such papers as the *Baltimore Clipper* and the *Detroit Tribune* belittled the meeting by insisting the resolutions adopted by the regular party meeting at Baltimore were "more radical and outspoken against slavery, than those adopted by the self-styled radical convention" at Cleveland.³¹

²⁵ *Detroit Tribune*, June 2, 1864; *Cleveland Leader*, June 1, 2, 1864; Horace Greeley, *The American Conflict*, Hartford, 1866, II, 658.

²⁶ Wilmer Harris, *Public Life of Zachariah Chandler, 1851-1875*, Lansing, 1917, 79-80; Grace Clarke, *George W. Julian*, Indianapolis, 1923, 251; John Palmer to Trumbull, June 8, 1864; J. Conkling to Trumbull, June 29, 1864, Trumbull MSS, Library of Congress; Simeon Nash to Salmon Chase, June 10, 1864, Chase MSS, Library of Congress.

²⁷ Lindsay Swift, *William Lloyd Garrison*, Philadelphia, 1911, 337.

²⁸ Gideon Welles, *Diary*, Boston, 1911, II, 41-43.

²⁹ *Philadelphia Evening Bulletin*, May 31, June 1, 1864.

³⁰ *Harper's Weekly*, June 18, 1864; *New York Times*, June 2, 1864.

³¹ *Baltimore Clipper*, June 2, 1864; *Detroit Tribune*, June 10, 1864.

Lincoln also tended to discount the action taken at Cleveland. When his friends told him that the number of delegates present was estimated at about four hundred, he was reminded how a like number of distressed and discontented Israelites had rallied behind David at the cave of Adullam, and he read them a quotation from the Bible much to their amusement.³²

The Radical Democracy began its short career. Its platform was drawn largely from the suggestions of the abolitionists and German radicals. It was not as extreme as the proposals made by the German convention of 1863 which supported the creation of a national militia and American assistance to European revolutionary movements. Nor did it go as far as Wendell Phillips, who proposed the enfranchisement of the Negro. To avoid the appearance of foreign domination the principal officers of the convention were Anglo-Saxons, but there were six Germans on the fourteen man committee on resolutions, and one can feel their influence at work. The proposed constitutional amendments for direct election of the president and vice-president for only one term were their work, but little was done to bring these matters clearly before the general public.

The delegates were soon chagrined to find their nominee repudiating the most radical of their planks—confiscation. Within a few days the regular party convention at Baltimore was to adopt a platform which robbed them of their second most important plank—a constitutional amendment prohibiting slavery. Frémont's party ran its course late in September and was liquidated. There was a growing conviction among the Union Party members that they could not win with any other candidate than Lincoln. Before the election there was a great tendency for the malcontents to close ranks for the sake of the party. Frémont's group was soon left without an issue and expired.³³

Though the Radical Democratic Party had only an actual existence from May 31 to September 22, 1864, it is of considerable importance in the political history of the Civil War period. Party lines were in a state of flux during the war, and this can be clearly seen in studying the activity of the Radical Democracy. The Republican Party was dividing gradually during the war into a radical and moderate wing, while the Democratic Party tended to divide into three groups. The War-Democrats tended to join openly with the

³² John Nicolay and John Hay, *Abraham Lincoln: A History*, New York, 1890, IX. 41-42.

³³ *New York Independent*, July 7, 1864.

Republicans after 1862 when the Union Party was established. The moderate Democrats favored a vigorous prosecution of the war, but they did not join the Union Party because they did not approve of Lincoln's disregard for civil liberties and his policies on emancipation. The Copperhead Democrats were the peace men, some of whom actively opposed the war-effort and clamored for peace even if it meant recognizing the Confederacy.

The president was trying to create a new party based on a fusion of moderate Republicans and Democrats against the extremists on both sides. He spoke of stepping aside for Secretary of State William Seward, whom he felt might be a better man to unite the moderates. He even suggested the possibility of making Democratic Governor Horatio Seymour of New York the Union Party nominee in 1864, because the governor might prove to be the man to unite the discordant elements of both parties.

Throughout the war there was much talk of fusion, and some attempts were made to bring it about. Lincoln's willingness to step aside for Seward or Seymour was one of them. We also know that Salmon Chase, when he failed to get the National Union Party nomination, spoke of his willingness to accept the Democratic leadership if that party would favor abolition. Some were talking of Grant as a compromise candidate. The clearest evidence of the instability of party lines and the fusionist sentiment which was rampant at the time can be seen at the Cleveland convention.

At the Cleveland meeting the Republican Radical Germans backed Frémont, but there were some War-Democrats present who favored Grant and some other Democrats who wanted to capture the Cleveland meeting for McClellan. The fusionists failed. Had the Republican Radicals joined with the men who wanted Grant they could have hurt Lincoln's chances of re-election, but when they chose the too extreme Frémont, the Grant men lost interest in fusion. The only other compromise candidate was McClellan, and the Radicals would not accept him because they felt he was too pro-slavery. The selection of Frémont prevented any coalition of forces, and at the same time he was destroyed because the issues his group represented, confiscation and a constitutional amendment prohibiting slavery, were repudiated or taken over by the National Union Party. In August when the regular Democratic convention was held, Frémont tried to ingratiate himself with them and perhaps win their nomination by endorsing peace and an immediate convention of states to end the war, but they distrusted him and refused to con-

sider him seriously. After McClellan's nomination by the Democrats, Frémont recognized the hopelessness of his situation and withdrew thus bringing the Radical Democratic Party to a close.

The Cleveland convention is interesting for still a second reason. It shows clearly the position and strength of the Germans during the war. Throughout the years after 1850 one can see their growing strength. The Cleveland meeting of 1863, which adopted so many resolutions which were to be found in the Radical Democracy's platform, was dominated by the Germans. Such planks as those calling for American aid to European revolutionary movements, direct election of the president and vice-president and the adoption of the one-term principle were all ideas which had been advanced by leading German politicians in America for years. Most of their ideas found expression in the Radical Democracy's platform, and when that party failed, many of the same ideas reappeared eight years later in the platform of the Liberal Republican Party. As a matter of fact, many of the German political leaders who were active at Cleveland in 1864 were responsible for the organization of the Liberal Republican Party in 1872.

Although many ridiculed the Cleveland convention, it is possible that live issues at a later time may have had their origin or at least been stimulated by the Cleveland movement. Wendell Phillips later maintained that it was here that the idea of a constitutional amendment prohibiting slavery had its origin, affirming that the action in favor of an amendment would not have been consummated without the pressure the convention exerted in bringing the idea before the public.

The claim of the abolitionists that they originated the idea of a thirteenth amendment would be open to doubt, but it is quite possible that their determined stand on the question at Cleveland brought sufficient pressure upon the Baltimore convention to make it expedient to include in its platform an article favoring an anti-slavery amendment. At any rate, it seems that the Cleveland meeting gave added impetus to the growing sentiment for such a measure.

WILLIAM FRANK ZORNOW

Kansas State College
Manhattan

"Turner, as I remember Him," by Herbert Eugene Bolton

Edited by Wilbur R. Jacobs

In the course of gathering materials for a recent study of Frederick Jackson Turner, I sent inquiries to a number of Turner's former students.¹ One of these was Herbert Eugene Bolton. His reply of November 19, 1951, scarcely a year before his death, contained an analysis of many of Turner's leading ideas.

MY DEAR PROFESSOR JACOBS:

Herewith I am sending a few comments regarding Turner, some of which I fear may not fit into the theme of your paper. You may use them if and whenever they may apply. Turner was a great thinker and inspirer, but I fancy he could not have described himself or his methods categorically according to a topical outline, and I fear I have not succeeded in doing so, but I hope that some of the things I have written may be useful to you. I shall look forward with great interest in your paper when it is finished.

All good wishes,

HERBERT E. BOLTON.

Then followed an excellent word-picture of Turner as a professor at the University of Wisconsin in the 1890's. Bolton's comments were, however, even more revealing of himself and of Turner's impact upon him.

Students of the "Bolton School" are familiar with the many parallels their master drew between the westward development of the United States and the expansion of other parts of the Americas. "The significance of the frontier" was "an intriguing phrase" that Bolton never forgot. "It epitomized," he continued in his comments, "the historical beginnings of every American area." In his presidential address before members of the American Historical Association in 1933 Bolton set forth his whole "synthesis" with the question, "Who has tried to state the significance of the frontier in terms of the Americas?"²

¹ "Frederick Jackson Turner—Master Teacher," read at the 1952 meeting of the Mississippi Valley Historical Association in Chicago. The paper has been accepted for publication in the *Pacific Historical Review*. The letters of inquiry asked for information relative to Turner's methods in teaching and points of emphasis that were stressed.

² *The American Historical Review*, XXXVIII, No. 3 (April, 1933), 474. It is of interest that Turner's name is mentioned twice in the address, both times near the conclusion.

That Turner had a profound influence upon Bolton in the formulation of the ideas in the "Epic of Greater America" there can be little doubt. The frontiers of the Americas, the borderlands of the Western Hemisphere, were of key importance in the struggle for nationality and the emergence of national characteristics. Bolton, however, ". . . is to be credited with effective discovery of the Spanish borderlands as a field for historical research. The name is his. It refers to what was the northern fringe of the Spanish empire in America, from Florida and Georgia on the Atlantic to California on the Pacific."³

Turnerian patterns of thought are found in most of Bolton's volumes, especially in the prefaces.⁴ Perhaps the most pointed acknowledgment of Turner's influence that Bolton ever made is in the comments and "supplements" concerning his former teacher which were penned in the fall of 1951. The caption he gave his remarks was "Turner As I Remember Him."

"I knew Turner quite intimately at the University of Wisconsin," Bolton begins, "where I took courses with him as [a] Junior, Senior, and Graduate Student, and this acquaintance was never broken so long as he lived."⁵ For two years I was a member of his famous seminar, and I conducted a correspondence course for him, which

³ John Walton Caughey, "Herbert Eugene Bolton," *Pacific Historical Review*, XXII, No. 2 (May, 1953), 109-112. As in other eulogies which have recently appeared, Professor Caughey mentions Bolton's association with Turner. See also *The Hispanic American Historical Review*, XXXIII, No. 1 (February, 1953), 184-186; *The American Historical Review*, LVIII, No. 3 (April, 1953), 791-92; *Bancroftiana*, No. 8 (May, 1953), 1-2; MID-AMERICA, XXXV (April, 1953), 75-80.

⁴ See, for example, the prefaces in Bolton's *Outpost of Empire, The Story of the Founding of San Francisco*, New York, 1931, and *Rim of Christendom, A Biography of Eusebio Francisco Kino Pacific Coast Pioneer*, New York, 1936. Bolton even draws Coronado into the perspective of the California gold rush in his preface to *Coronado, Knight of Pueblos and Plains*, New York, 1949. Also see Bolton's acknowledgment to Turner in "The Mission As A Frontier Institution in the Spanish-American Colonies," *American Historical Review*, XXIII (October, 1917), 42-61.

⁵ Dr. Guy Stanton Ford, a fellow-undergraduate with Bolton during this period, has informed me by correspondence that Turner had not yet developed his "Economic and Social History of the United States" into a distinct history of the West. Regarding this early Turner course, Dr. Ford writes: "I do not recall that he made specific assignments, but he did pour on us a generous assortment of bibliographical suggestions. It gave me the feeling that I had to read most of the University library and I struggled gallantly with this task." Fulmer Mood points out the emphasis upon the West as it appeared in early catalogue descriptions of this course. See Mood's "Turner's Formative Period," in *The Early Writings of Frederick Jackson Turner*, Madison, 1938, 35.

led to closer contacts. After I went from Wisconsin to Pennsylvania⁶ and he to Harvard, I saw him periodically at meetings of the American Historical Association, including the session when he delivered his Presidential Address in Richmond. [Bolton is in error here. Turner's address was delivered in Indianapolis on December 28, 1910.] Later I saw him occasionally when he was working in the Huntington Library at San Marino, California; and I visited him at his home in Los Angeles a short time before he passed away.

Turner began his historical research in the area where he had spent his early life.⁷ He was born at the old "Portage" between the Fox and Wisconsin Rivers, famous in the days of the French fur trade; and he studied and wrote about the influence of that commerce on the life and institutions of the area. This interest was partly due to the fact that he was an outdoor man, especially addicted to fishing. He used to tell us that he captured his father's rod, while his older brother Jack inherited the parental shot gun.

A personal reason for my interest in Turner's work was the fact that I frequently passed through his home town of Portage on my way to and from Milwaukee or Madison, and that after graduation from the University of Wisconsin I lived a year or more in [the] Fox River Valley, the scene of Turner's early writings. In that period, at my invitation, he gave a public lecture at Kaukauna, where I was then living.

Turner had a most charming personality. He was of middle stature, blond, handsome, graceful, and endowed with a marvelous voice (not a boisterous one), which contributed toward his winning of oratorical contests in his undergraduate days, and made him a pleasing and effective lecturer in class and in public, always without ostentation or bombast.⁸ In the years when I first knew him he generally wore a close-clipped brown mustache, which in later years he sacrificed to the razor.

⁶ Bolton graduated from the University of Wisconsin in 1895, and he remained here as a graduate student until 1897. In that year he was awarded a fellowship in history at the University of Pennsylvania and received a Ph.D. at the latter institution in 1899, working under John Bach McMaster.

⁷ For additional data on this point, Turner's early life in Portage, see "Turner's Autobiographical Letter" to Constance Lindsay Skinner, *Wisconsin Magazine of History*, XIX (September, 1935), 90-103.

⁸ The fact that Turner was a pleasing and effective lecturer is affirmed by many of his former students. Merle Curti, who studied under Turner at Harvard, informs me by correspondence that Turner "was not in the ordinary undergraduate course an exciting or brilliant lecturer, though he seems to have had such a reputation at Wisconsin."

On the platform, as elsewhere, Turner was graceful and at ease. He was modest, never dogmatic or sarcastic, and he had a fine sense of humor which he quietly displayed. His classroom lectures told us more of what he was trying to learn than of what he knew, a trait that won the confidence of his students, and encouraged them to independent thinking and inquiry. If he was still trying to learn why shouldn't we? He usually brought to his seminars a stack of notes, and sometimes had difficulty in sorting them out, a fact which in itself was an insurance against oratory. He paid little attention to text books, or to "authorities" as distinguished from "evidence."

He had no formal method that one could label, except reliance on evidence and an honest effort to interpret it. And he had a lively imagination and choice diction that made his lectures vivid and his observations penetrating. "Freddie" as among ourselves we students affectionately and egotistically called him (never to his face), was friendly, helpful, and encouraging. He had an inquiring and a philosophic mind, and he was seldom sarcastic in commenting on the work of a student or on the ideas of writers with whom he disagreed. His work being constructive, he spent little time in destructive criticism.

Turner was interested in geographic, economic, and cultural factors, especially those of the frontier, and in their influence on regionalism and sectionalism, as well as on national affairs. In his thinking and interpretation, physiography always loomed large. Many of his generalizations were evolved from the history of Wisconsin and the Old Northwest, where he spent more than half of his life. Turner and Haskins⁹ were cronies in Madison; Haskins, a man with a prodigious mind, was called to Harvard, and Turner soon followed. Perhaps after living a number of years in New England some of Turner's earlier ideas were modified, a matter on which you may throw some interesting light in your paper.¹⁰

⁹ Charles Homer Haskins. It is of interest that Woodrow Wilson tried to bring both Turner and Haskins to Princeton during this period. See the Wilson-Turner correspondence in the Houghton Library, Harvard University.

¹⁰ According to one of his later students, Turner explored almost every leading interpretation and major field of research in national history. See Merle E. Curti, "Frederick Jackson Turner," *Instituto Panamericano de Geografía E. Historia, Comisión De Historia*, Num. 96, Mexico, D. F., 1949. This suggests a broadening of Turner's views, and Curti goes on to discuss Turner's ideas concerning using multiple hypotheses in American history. Professor Homer C. Hockett, however, has informed me that Turner was talking in terms of multiple hypotheses at Wisconsin in 1904. See also Turner's essay, "Problems in American History," *The Aegis*, VII (November, 1892), 48-52.

My closest associates in Turner's seminar were Guy Stanton Ford and Carl Becker, both of whom became distinguished. Becker died young [Becker was actually seventy-two when he died on April 15, 1945], greatly to the disadvantage of historical scholarship, for he was an original thinker. Ford is still doing a full time job as secretary of the American Historical Association and as a writer of important books and articles. I also was well acquainted with O. G. Libby who is now at North Dakota.¹¹ You will of course consult him in regard to Turner.

Brilliant Paxson,¹² a classmate of mine in the University of Pennsylvania and later a colleague here at the University of California, although he never studied with Turner, made the most comprehensive synthesis of Turner's views on the "American Frontier," and contributed important additions to Turner's thesis. I have not kept track of the younger men among Turner's disciples and critics, and therefore cannot speak of them with authority. You will doubtless list them and consult some of them, and thereby learn something of Turner's later development of his ideas.¹³

Turner's influence on historical thinking was perhaps greater than that of any of his contemporaries in the United States field. "The significance of the frontier" was a phrase with basic meaning. It was "catchy" and resonant, and at one time or another it has been applied to almost every area within the continent of America. It captivated Turner's disciples, often with embarrassment to the prophet. At Harvard, outside of his early environment, Turner modified some of his early generalizations, which is another evidence of the integrity of his mind and of his willingness to learn. It would be very helpful if you could follow these changes in his thought and emphasis.¹⁴

Among all our historians of American development Turner was unquestionably one of the "great", not because of voluminous writings, but for the freshness of his ideas and for his influence as a

¹¹ It will be recalled that Orin Grant Libby's dissertation was the first volume in the University of Wisconsin Economics, Political Science and History Series, *Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution*, Madison, 1897.

¹² For the relationship between Paxson and Turner, see Earl Pomeroy, "Frederick L. Paxson and His Approach to History," *Mississippi Valley Historical Review*, XXXIX, No. 4 (March, 1953), 673-92. This study, however, has not included the Paxson-Turner correspondence in the Huntington Library.

¹³ Bolton mentions this point several times, but no major variance in Turner's interpretations has been found in comparing Turner's Wisconsin and Harvard periods. See also note 10.

¹⁴ See note 10.

teacher and a writer in two of our most important universities. "The frontier" was an intriguing phrase, and it epitomized the historical beginnings of every American area. It gave significance to the history of every township, county, territory or state. It appealed to local patriotism everywhere across the Continent, from Plymouth to San Francisco, from Florida to Los Angeles, and now, outside of our own borders, the history of the frontier illuminates the history of all the other Americas—British, Spanish, Portuguese, French and Dutch. No wonder Turner is worshipped as a prophet.

It is difficult to say much about Turner's seminar technique, in-so-far as he made us conscious of any but the most obvious procedure, which was to seek widely for evidence, check its validity, consider its significance, and use it where it applied. Turner was not interested in method in a pedagogical sense, and in-so-far as I know he never gave a formal course under that heading.¹⁵ By checking the Wisconsin and Harvard catalogues you can answer that question. To him, method was the employment of all the available means of learning, what had happened and why, including economic, social, political, religious, psychological and personal factors, and interpreting them with reference to their influence. Alluding to Turner's early work in the development of the Fox-Wisconsin Valley and adjacent areas, vital factors were the river systems, the short and easy portage from one stream to another, the friendly Indians who sold furs to the traders, and the hostile tribes who impeded the trade, reduced profits, and hindered access to the Great Lakes, the St. Lawrence River, and the markets of Europe.

If these notes have any value for you I shall be very glad—and agreeably surprised."

[Signature is crossed out]

Supplement I

Dear Professor Jacobs:

Having just now read a copy of what I wrote to you the other day (A), I see that I did not give you what you requested. What I wrote was chiefly about Turner himself rather than about his seminar methods. [(B)] I will try to add a few comments now.

In his seminar each student chose or was assigned a topic within

¹⁵ Bolton is undoubtedly correct. No evidence has been found that Turner offered a course in "method in a pedagogical sense."

the general theme of the course, and after work got under way he presented his paper before the class, after which there was a discussion, supplemented by comments by Turner. The procedure was informal and was determined largely by circumstances. A good paper got attention; a bad one was its own condemnation and merited little comment.

If you get in touch with a considerable number of Turner's disciples it will be interesting to discover how well they remember the Master's techniques. They will not fail to remember Turner, but in most cases their recollections will be hazy as to methods and procedures, or if your witnesses are teachers they are likely to base their answers on their own techniques and attribute them to Turner. Among them there may be some who have saved their class notes, term papers, etc., but probably not many. As for myself, I have not a single page of my student notes. What I saved, if any, were burned in the great Berkeley Fire of about 1923. If you get testimony from a number of witnesses it may enable you to form some generalizations.

All good wishes

Herbert E. Bolton¹⁶

Supplement II

I Turner's personality as a teacher was just a part of Turner. He was handsome, had a marvelous voice, spoke easily and with fine diction. He was modest and never noisy or pretentious.

II He made free use of maps, and humanized his story, both as to subject matter and as to environmental factors. He described French pirogues, and sang French boatman's songs. We seldom "recited our lessons," but he encouraged questions and student contributions. And we wrote term papers on subjects of our own choice.

III He described costumes and apparatus, houses, crops, marketing facilities, religious and political ideas, "obsessions", etc. He never had to resort to claptrap or devices to hold his audience. He had something interesting to say and students listened.

¹⁶ The supplements are in Bolton's hand, and in the left margin of "Supplement I" is a note: "Over the weekend my assistants are not here, hence these hand written pages."

IV It is so long since I have read his writings extensively that I would now find it difficult to say which was which, lectures or published writings, and I wonder how many of his former students could now separate these two elements. Turner has been gone a good many years and I have covered vast regions since I was in his classes. And I doubt whether I now have a single note taken from his lectures or from his books. I'm sorry !!!

V Turner always emphasized the *opportunity* of a witness to know, his trustworthiness, (intellect, bias, self interest, or any other factor that would bear on the value of personal testimony.)

He was indifferent to formal *method*, because every problem involves factors not duplicated in any other problem. Generally speaking, the student reported on his source materials, then told of his findings on the basis of the evidence.

VI Turner gave general talks on kinds of evidence, reputation of witnesses for intelligence, veracity, opportunity to know, bias, self interest, etc., and questioned students on these matters, but he had few formulas. Students were made conscious of fundamental principals of evidence by the free for all discussions. And we soon learned that, except in an elementary degree, no two problems of evidence are the same.

{HERBERT EUGENE BOLTON}

WILBUR R. JACOBS, Ed.

University of California
Santa Barbara College

Book Reviews

Robert M. La Follette. By Belle Case La Follette and Fola La Follette. The Macmillan Company, New York. 2 vols., pp. 1305. \$15.00.

Few American politicians have suffered less from the ravages of time than has Robert M. La Follette, who represented Wisconsin in the Senate, 1906–1925, after having been elected three times as governor. His name was a household word during my boyhood in Wisconsin. Because of him I thought that all politicians were honest and fighters for good causes. The years have brought much cynicism, so far as that belief is concerned, but Bob La Follette still stands at the head of the line, as I visualize twentieth century American officialdom. This biography tells why. We who have wanted an adequate story of La Follette's heartbreaks and triumphs now have it. Begun by his widow, who completed twenty-six chapters before her death in 1931, the volumes were completed by Fola La Follette, his daughter, who completed the seventy-second chapter before she had finished her work. Fifty-four pages of "Notes" indicate the variety of the primary source material employed, as do the pages of the bibliography, containing a wealth of manuscript material, much of it not previously used. Newspapers of every political complexion have been consulted continually by the authors. Sympathetic the treatment may be, but the epithets and abuse heaped upon La Follette have been spread generously over the pages. Mistakes are admitted; failures are not minimized. Scores of other national figures enter into the story and there is no effort made to picture them as moral lepers simply because they differed with the senator from Wisconsin.

La Follette's humble origin in Primrose, Wisconsin, and his struggle to secure an education and then to become a lawyer are effectively presented. From the time that he campaigned for his political office in 1880 until he died in 1925 he fought against "special interests" which would gladly at any time have paid him any retaining fee he might have demanded, if he would have joined them. La Follette remained a man with no wealth until his death. The beautiful capitol building at Madison, built while he was governor, stands as a monument to him, and a monument free from graft, something which can be said of very few public buildings. His influence is still strong in Wisconsin, even though politically his name now means little.

Although a Republican, we know that La Follette opposed both President Theodore Roosevelt and President Taft whenever he felt circumstances demanded such action. La Follette's opposition to tariff legislation in Taft's administration is treated adequately. Much interesting and factual information is given to La Follette's opposition to Wilson, particularly at the time that Wilson wanted merchant ships to be armed. La Follette believed that Congress should have had a voice in determining the nation's attitude toward World War I. Wilson did not; hence the clash. La Follette became even more of a public figure because of misquotations from a speech that he gave in St. Paul on September 20, 1917. The Minnesota Public Safety Commission petitioned the Senate to expel La Follette. Senator Albert B. Fall, later to be sent to prison for malfeasance in office under

Harding, served on the sub-committee that determined La Follette's fitness to remain in the Senate. Theodore Roosevelt called La Follette a copperhead in 1917, after having cheated him out of a presidential nomination in 1912.

With the war over, the venerable Senators exonerated La Follette of any wrong-doing during the war time, and joined him in a general opposition to the Versailles Treaty. La Follette at least opposed the treaty on honest grounds; it is difficult to say that about some other senators who joined in the fight against Wilson. The campaign of 1924 is well analyzed, with his daughter making it clear that her father had little hope of winning the presidency. By that time he had the satisfaction of seeing many of his "radical" policies the law of the land. When he died in Washington on June 18, 1925, he was easily one of the giants of his day, but he remembered until the day that he died that he was rooted in the good soil of Wisconsin. By that date the people of his native state were ashamed of their war hysteria and their opposition to him in 1917. As evidence of that, they placed his statue in Statuary Hall in the Capitol at Washington, to represent with Father Marquette, the state that La Follette served so long and well.

PAUL KINIERY

Loyola University, Chicago

Hidden Threads of History: Wilson through Roosevelt. By Louis B. Wehle, with an Introduction by Allan Nevins. The Macmillan Company, New York, 1953. Pp. 300. \$4.00.

These "threads of history" have been traced by Louis Wehle at the suggestion of Professor Allan Nevins for Columbia University's oral history project. The end product of the weaving discloses a picture that is worthy of study. The book is divided into five parts. Part One deals with the first World War and readjustment. Part Two treats of Franklin D. Roosevelt and his entrance on the national scene. Part Three shows us Roosevelt the President. Part Four explains post-war reconstruction in Europe. Part Five is entitled "Retrospect and Prospect."

Mr. Wehle narrates how three weeks before the United States entered World War I he was in Washington on business when he volunteered to "organize the drafting of the War Department's emergency production contracts both for land construction and for munitions and supplies." With this began his public career which was to extend over a long span of years most useful to his country. Along with Robert S. Brookings, Frank W. Taussig, Julius Rosenwald, and Samuel Vauclain he helped to prepare the nation for the struggle. His part in the emergency building of cantonments for the draft army, the efforts that he expended in camp construction and in the settlement of labor problems especially the Baker-Gompers agreements of June, 1917, are interestingly told. Wehle's pen sketches of both Baker and Gompers are valuable. Owing to his close friendship with Franklin D. Roosevelt, then on the rise politically, Wehle was able to solve the Navy land construction problems satisfactorily. After the war, he was a member of the counsel to the United States Shipping Board Emergency Fleet Cor-

poration to March, 1919, general counsel to the War Finance Corporation from March, 1919, to November, 1920, and was also a member of the Federal Electric Railways Commission.

The account of Franklin Roosevelt's entrance on the national scene, the 1920 Cox-Roosevelt presidential campaign, the latter's term as governor of New York, and his eventual election to the presidential office in 1932 are admirably recounted although Wehle was by no means a blind devotee of F. D. R. The former recounts as his suggestion Hoover was sounded out regarding his views on running with Roosevelt on the Democratic ticket in 1920. Wehle interviewed him and tried to win the Palo Alto over to his idea but to no avail, for shortly afterward Hoover went over to the Republican party. In his recently published *Memoirs*, Hoover makes no mention of this episode nor of Wehle. By far the most interesting section of Part Three is the treatment of President Roosevelt's policies touching on the Tennessee Valley Authority. The insight into the whole affair as Wehle gives it, is quite penetrating. In 1936, Mr. Wehle went to Washington as a member of the Administration's White House Conference on Power Pooling, and in 1937, he was a member of the American Commission at the International Congress of Comparative Law.

Precisely, how did Wehle feel towards Roosevelt? It can probably be summed up in one of his remarks to a number of Republican friends when he said: "It would be interesting to imagine ourselves fifty years from now trying to appraise Roosevelt. We would differ on many separate acts in his career. But wouldn't we probably agree on this one point: by commanding the confidence of the poor man during an acute world depression, he was able to ward off subversive movements and to help to preserve, as few if any others could have done, the essentials of a democratic society based on the worth and initiative of the individuals?" On the other hand he later remarks that the President's and Mr. Hull's ignorance "of the history of Marx-Lenin strategy led them into a series of gigantic blunders."

Mr. Wehle was chosen to head the Mission to the Netherlands of the Foreign Economic Administration whose job it was "to work out and plan to meet the prospective needs of Nazi-occupied countries after their liberation. The account of this Mission is, according to Professor Nevins, the "first account for the public of a strikingly difficult task done by Americans in many foreign areas. . . ."

In closing, the author sounds a note of warning to the effect that our past history shows American too often in major crises meeting them at home and abroad with hastily provided measures, and, to meet this defect, he urges that "permanent research and advisory planning offices should be established in the White House and on the Hill with bipartisan long-term personnel." In the "Author's Preface" Wehle states that he has written this record "to disclose some of the combinations of men and of circumstances that, by narrow margins, may have given momentum or direction to a short swing of history." The reviewer thinks that he has fulfilled this purpose even though the book divulges nothing of importance that was not too well known before.

CHARLES RONAN

Austin, Texas

Brownson on Democracy and the Trend toward Socialism. By Lawrence Roemer. New York, Philosophical Library, 1953. Pp. xvi, 173.

Among his contemporaries, the ordeal of siege by Brownson's battering logic was subject of much amiable witticism. But on hearing this master of logic demonstrate that a trend toward socialism was to be found in cherished "democratic" principles, their witticism changed suddenly to indignant ridicule. However, the logic of history seems to have justified, at least in part, this Brownsonian foreboding.

Professor Roemer's monograph is an excellent, brief and clear exposition of the arguments by which Brownson came to his "ridiculous" conclusion that "the principles producing communism are the same principles ordinarily labelled Democratic" (p. xiii). Brownson's intensive study of democracy and the foundations of American institutions brought him logically to this conclusion. It brought him, also however, to recognize distinctively American elements which could guarantee the continued existence of our way of life. In an age of Calhouns and Websters his political analysis seems to have fallen on deaf ears. Yet it is definitely of interest to the historian, for its shrewd, clear forecasting of the contemporary political scene.

After a terse, effective sketch of the life of this 19th Century convert and bellicose controversialist, Professor Roemer proceeds to Brownson's discussions of the nature and origin of government and authority. "That government derives its just powers from the consent of the governed is enumerated among the self-evident truths of the Declaration of Independence". (p. 19). Brownson criticizes, however, the social-contract approach to this principle, as well as the "democratic theory" interpretation that people as a collective whole are the source of true government. The logic of this latter theory, Brownson argues, demands social equality, eventuates in a popular absolutism, the tyranny of the majority. However, the pitfalls lurking in the democratic theory are counterbalanced by the practical American application of a division of powers between the general government and state governments. "For Brownson, therefore, the traditional phrase 'We the people of the United States' is very expressive. It places authority exactly where it is located: in the people of the states united. The phrase 'in convention jointly assembled' is also expressive because it indicates the distinctive organ through which the sovereign speaks and commissions the agencies whereby he exercises complete authority. . . . This division of powers is according to Brownson distinctly American." (p. 96-97.) Hence the only democracy compatible with American institutions is a "territorial democracy," a close coordination of local and federal authority. For to Brownson the right to vote is not so much a personal right as a territorial right based on the district in which a citizen is domiciled. To drift away from this principle is to yield to central government. For then "the government in Washington instead of being a general government whose jurisdiction is confined to general interests becomes a national government, or a government of the whole nation." (p. 125.) Such centralization of political power is inevitable outside of a territorial democracy. It is to Brownson disastrous. For it implicitly supposes that the right to rule is a sheerly personal right. Such a right can be used according to the unre-

strained will, can be used to do away with division of power and constitutional guarantees. It can wreck the delicate balance on which American freedom depends.

This volume concludes with Brownson's applications of his analysis to the important questions of patriotism, education, civil rights and Church-State. This reviewer wishes that Professor Roemer had enlarged on the latter. This study may well be recommended to political theorists as well as to historians. The picture it gives of Orestes Brownson is a favorable one. It is a portrait of a political philosopher in love with America, yet whose love was founded on a clear understanding and critical appreciation of democracy, American style.

WILLIAM H. OSTERLE

Woodstock College, Maryland

Mr. Jefferson's Disciple: A Life of Justice Woodward. By Frank B. Woodford. Michigan State College Press, East Lansing, 1953. Pp. 212. \$3.75.

Augustus Brevoort Woodward was a man of many talents and far-reaching vision; but he was also a man of eccentricity, of bizarre appearance and bizarre conduct, and these colorful traits have obscured his solid virtues. The author of this well-written account of Woodward's public life has undertaken to set the record straight.

Woodward was a pioneer in the Territory of Michigan. Sent to Detroit in 1805 by his friend President Jefferson as one of the territorial judges, he was for nearly twenty years a picturesque and controversial figure on the frontier. Nearly every project he touched offered a handle for his detractors. His plan for a new Detroit, after the old village had been destroyed by fire three weeks before his arrival on the scene, was viewed with suspicion, abusively criticized, and finally legislated out of existence. He got along poorly with William Hull, governor of the territory, became the victim of personal as well as political attacks, and twice was threatened with impeachment. His decision to remain in Detroit after its capitulation to the British besmirched his reputation with accusations of treason which were never completely effaced. People mocked his far-seeing proposals for a university because he clothed his plan in such tongue-twisting names as catholepistemaid and didaxiim. Three times his efforts to be elected territorial delegate in Congress came to naught. Then, as a final blow, he lost his judgeship when President Monroe, listening to unfounded tales of intemperance, failed to reappoint him.

It would seem that from such a record little good could be resuscitated. Yet the author was succeeded in showing that Woodward was a man and a justice of considerable stature. From the vantage point of nearly a century and a half he has clearly pointed out the courage and ability of Woodward and left him much the better man than his detractors. The judge's plan for a new city of Detroit, had it been followed, would have made Detroit a model city. His catholepistemaid embraced a comprehensive system of education which became the basis of the University of Michigan. His

heroic efforts for the victims of the War of 1812 and his studied attention to avoid any official cooperation with the enemy make the charges of treason appear ridiculous. Woodward was a scholar of more than ordinary accomplishment, a man of great enthusiasms and wide interests, and a staunch believer in democratic government. It was in this that he exhibited his kinship with Jefferson. "Disciple," however, seems too strong a term for the relationship indicated by this book.

Mr. Woodford has based his study on careful research, although scholars will be disappointed in the inadequacy of much of his citation. While seeking to redress the balance against Woodward he maintains an admirably objective view throughout. In an account of bitter political controversy and personal recrimination he is not a partisan of either side and makes no exaggerated claims for the subject of his biography. "Augustus Woodward," he concludes, "despite many inherent qualities of greatness, fell short of achieving greatness." Yet the judge deserved much better than the obscurity into which he fell. This book will correct the errors of popular recollection.

FRANCIS PAUL PRUCHA

St. Louis University

Russia: A History and an Interpretation. By Michael T. Florinsky. The Macmillan Company, New York, 1953. 2 Volumes. Pp. viii, viii, 1511, lxxvi. \$15.

Dr. Florinsky's well-nigh monumental work deserves to be universally received as the finest historical treatment in English of the problem of Russia thus far presented to the American public and the demanding student. Although the scholarly result certainly substantiates the author's claim to having spent two decades in its preparation, the consideration, as a boon to the initiate, is chronological and factual rather than topical. This is true to such a degree that the qualification of the work as "an interpretation" is almost a misnomer. Nevertheless, Dr. Florinsky's analysis does indicate a number of interesting and well supported departures from the run-of-the-mill presentations of Russian history; he is not afraid to question the pat explanations offered by classical Russian historiographers, although he has all due reverence for the stature of Klyuchevski and other lights; he lays somewhat greater stress on Tartar influences on the formation of Muscovite political character than has been usual in recent times.

By the same token it is refreshing to hear Dr. Florinsky authoritatively debunk the "democracy" of Old Novgorod as an "empty shell" in the prevailing circumstances where "actual power was in the hands of a small group of the landed and commercial aristocracy" (vol. 1, p. 119) and where the masses were "no better off than if they had been under the hand of the Muscovite grand dukes" (p. 120). The author will certainly offend the sensibilities of nostalgic Slavophiles when he seeks to explode the widely accepted myth of "Holy Russia," although, if I recall correctly, he has no less a person than the late Professor Paul Milyukov on his side in regard

to the historical depth of religion in Russia. In these times he might well have labored more forcefully the point that the reason at the bottom of this historic deficiency has been Muscovite Russia's Byzantine heritage: the Union of Church and State, Caesaropapism, and the resultant defeat of the Sorski ideal. The reader will not be clear on the nature of that heritage after reading the materially conflicting statements of the author (vol. 1, pp. 139 and 290). The author will also offend western Catholic sentiment when he gratuitously questions the martyrdom of Josaphat Kunsevich (Kuncevyč), Archbishop of Vitebsk, recognized in his beatification (1643) and canonization (1867) after the investigation of 116 witnesses by two Roman Commissions.

Likewise welcome is Florinsky's reasoned challenge to the time honoured place conceded Peter I by historians of both, old and new Russia (pp. 427-432). He also has kind words to say about the Great Catherine's ill-starred husband and son whom the pens of historians have treated so cruelly. Although Florinsky's marshalling of facts and their analysis are imposing he seems to follow the widely accepted idea that the Crimean War of a hundred years ago was useless, and his criticism of British Russophobia is not too convincing. In general the serious student of Russian history, if not the public, will be happily spared the repetition of most of the now threadbare anecdotes concerning the more startling figures of Russia's past. The work is not a textbook.

Florinsky the historian, of course, cannot forget Florinsky, the effective Associate Professor of Economics at Columbia University's Graduate School. Accordingly, his history of Russia has a number of sections devoted to a very thorough treatment of economic development, replete with statistical data, despite the fact that the author frequently points out the unreliability of Russian records in this regard, and has no patience with economic determinism (p. 826). The average student will feel that for the sake of readability, a dominant quality throughout the greater part of the two volumes, much of this matter might better have been put into the form of graphs and relegated to an appendix.

There is little that mars Dr. Florinsky's outstanding contribution. In all the 1476 pages in which the author presents his magnificent panorama, at best but half a dozen errors in grammar and spelling can be found. Certainly it is disturbing, at least for the reader conversant with the Russian language, to meet italicised Russian words in the wrong number; e. g., "some of the *uezd* (p. 193), "the *zemstvo* have been . . .", "the governors (namestnik)" (p. 194), "they recognized as municipal schools (*gorodskoe uchilishche*) (II, p. 1044), etc., etc. Florinsky presents the scholar with an impressive and valuable bibliography with the welcome difference from so many manuals of the day that a majority of the titles are Russian. Three authorities cited in the text do not appear in this extensive bibliography. The author has excused himself from the duty of affixing numerous footnotes on the score that most of his readers will be exclusively English-speaking. This lengthy work, however, will doubtless have its greatest appeal for serious students; more footnotes would not be amiss.

Finally, some will be disappointed that Dr. Florinsky has brought his work to an end with the victory of the October Bolshevik Revolution. His

decision to do so was made honestly. With the Moscovite ancient tradition of tampering with chronicles accentuated as the order of the day in the present regime, Dr. Florinsky wonders somewhat pessimistically if indeed it will ever be possible to present the same broad and comprehensive history of the Soviet Union as he has for the earlier periods. It is to be hoped that *Part IV: The Second Moscow Period*, which Dr. Florinsky has promised, will one day follow his Kievan, First Moscow and St. Petersburg Periods to our shelves. Certainly, as it is, the thoughtful reader of the present work will be struck by the fact of continuity in Russia's story up to the moment. His careful presentation of the record has shown that the overthrow of the Russian Autocracy was not the work of the Russian people, the peasants, but rather the work of a vested and conservative Duma, the first success of decentralizing forces in absolutist Russia's history. V. I. Lenin, a ruthless opportunist and strategist rather than the farsighted genius and philosopher of legend, sought the immediate restoration of bureaucratic absolutism, encouraged the violent Peasant Revolt against the landlords and satisfied the war-weary Russian soldiers' demand for peace.

Russia's tragedy is the fact that there has never been a popular revolution against the principle of absolutism as such. May we hope for one now in the light of the past record?

FRANK FADNER, S.J.

Georgetown University
School of Foreign Service

The Statesmanship of the Civil War. By Allan Nevins. The Macmillan Company, New York, 1953. Pp. 82. \$2.25.

In three brief essays, Professor Allan Nevins has attempted to cover a subject of major import, the statesmanship of the Civil War. These essays were originally delivered as the Page-Barbour lectures at the University of Virginia in 1951. In the first titled, "The Conditions of Statesmanship," Doctor Nevins first examines the definition of the word statesman. He rejects the commonly accepted interpretation that statesmanship is defined in terms of success as opposed to failure, or of mere ability, and concludes that for one to be a true statesman he must be possessed of a combination of intellectual power, weight of character, inspiration, patience, self-abnegation and an instinct for the spirit and needs of a critical time. With this definition we will not quarrel, but it seems that the last-named characteristic more properly identifies the politician than the statesman.

The author then explores the interesting question as to why the Revolution called forth such a galaxy of statesmen and the Civil War produced, according to him, only one, Lincoln. His answer is that between 1789 and 1860 we achieved political equality, but at the price of creating mediocrity. Moreover, our first crisis had about it a hallowing character, while our second represented, to a great degree, a failure of American institutions and life. Political power had been entrusted to the masses of the Northern cities and the more impoverished Southern districts without a proper effort

to educate them for its use. And finally, the country had not grown up to the training of experts or the creation of a planning mechanism.

In conclusion, the author states the thesis which binds the three essays together and upon which all his arguments turn, the assertion that while both South and North had the ultimate problem of winning the war, the former had the immediate problem of creating a nation and the latter the immediate problem of preserving a nation. This, to Dr. Nevins, was the primary test of Northern and Southern statesmanship, and in the light of this test he judges the performance and approximates the degree of statesmanship displayed by Davis and Lincoln.

In the second essay, "The Southern Dilemma," Dr. Nevins approaches his subject in what, even in greatest charity, could hardly be called a sympathetic, even an objective, attitude towards the South. The first important subject is the manner and wisdom of secession. Of the states of the Lower South, he asserts, Louisiana, Georgia, Alabama, and Texas would hardly have seceded had a "fair, sober, and complete referendum" been held. It is an established fact that most important movements are organized and guided by well organized minorities. And, it is to be wondered, by way of comparison, what would have been the outcome had a "fair, sober, and complete referendum" been held among the British North American Colonists in July of 1776. As for the wisdom of secession, the author's arguments stand upon well-reasoned and apparently sound grounds. The South seceded to preserve its social structure, labor system and agrarianism. In so doing, it destroyed their firmest bulwarks and precipitated the downfall of its special way of life. It is not suggested by the author, however, that the South had reached the moment of desperate crisis. What would have been its fate had it remained in the Union, an increasingly small minority in the nation's population and subject to the increasingly bitter attack of the Abolitionist Crusaders?

Returning to his main thesis that the South's immediate problem was the building of a nation, the author's opinion is that failure came as the result of inadequate political leadership and pursuit of mistaken policies. In regard to leadership, great responsibility lay with the Cabinet. Of its members, he agrees that Benjamin, Reagan, Mallory, Seddon and Memminger performed their administrative duties efficiently and effectively but that their individual influence was hardly felt beyond their office walls. They all lacked that requisite of statesmanship which Dr. Nevins calls passion or inspiration. And they did not have the moral and spiritual aids to nation building, then so abundant in the North, which flow from poetry, editorials, sermons, pamphlets, hymns, fiction and magazines. Could it have been possible, in spite of the fact that it was an area primarily devoted to political activity, military tradition and out-of-door life, rather than to literary pursuits, that the South was completely devoid of any of these aids, as the author implies?

While much responsibility for nation building lay with this group, the greatest responsibility, it is correctly asserted, rested upon the president, Jefferson Davis. From reading the book one can hardly escape the impression that, while praising the Confederate chief for his qualities, for example, of purity and elevation of character, deep convictions and super-

human industry, Professor Nevins paints a rather drab picture of him against which his laudatory portrayal of Lincoln glows most brilliantly. Davis' desire for military glory, his dabbling in military tactics and strategy, his frequently unsatisfactory relations with Congress and Cabinet, and his lack of magnetism are quite well known, but in addition to all these shortcomings, the author finds him chiefly at fault for having failed to build a Southern nation, and draws a rather sharp contrast between him and Washington. It might be remembered that it required from 1775 to 1787, twelve years or more, actually to "build" our Federal Union; Davis had no more than four years to achieve this end, and he was faced by an enemy proportionately as strong as were the British during the Revolution, and was unassisted by a favorable international situation and foreign allies.

Mistaken policies were certainly, in part, responsible for Southern failure, as we find in this essay. The faith put in the world's need for cotton as a force sufficient to cause the breaking of the blockade and the bringing about of foreign intervention proved chimerical. The overemphasis placed upon the eastern theatre of war at the expense of the western might or might not have been faulty strategy. But, according to the author, they contributed to Southern failure.

Near the end of this section Professor Nevins seems to brush aside all his preceding arguments, as apparently worthless, and concedes that the Confederacy's failure was due, not so much to inadequate leadership and faulty policy, but to States' Rights and slavery. States' Rights, the seeds of death, were implanted in the Confederacy at birth and prevented her from becoming a nation. And even though the South emerged as a paladin of the ideas of freedom and self-determination, it was still a slave-holding nation, and could not therefore enjoy the support of world approbation.

In view of numerous prior adverse statements, it is gratifying to find the author writing, in conclusion: ". . . The more enlightened Southerners were fighting for the right to deal with the joint problems of slavery and race adjustment in their own time and on their own terms. . . . They wished . . . to choose the hour and method by which they should decree its gradual extinction . . . they did not desire to be whirled into a catastrophic social revolution."

In the Third essay, "Lincoln as more than a Statesman," Professor Nevins falls victim to the Lincoln Legend, so well described by Leland D. Baldwin. He first reminds us that Lincoln was thoroughly human and could be brutally realistic, tough, calculatingly shrewd and given to anger. Moreover, he was a weak executive who had no administrative ability and made some grave errors in judgment. Yet, writes the author, he was a true statesman. By way of substantiation are offered the statements that he knew what was practical at any given moment and had an uncanny sense of timing; and that he had supreme dexterity in managing his associates and the mass opinion of the country. It is to be wondered if these are not the hallmarks of the politician rather than of the statesman. Much attention is devoted to the Emancipation Proclamation as a measure which added appreciably to Mr. Lincoln's stature as a statesman. In the very words in which he attempts to portray this picture, however, Dr. Nevins, apparently unwittingly, reveals that the Proclamation had behind it a motive not of

basic humanitarianism but one of diplomacy, the attempt to win over European public opinion; one of militarism, an effort to weaken the South and strengthen the North; and one of politics, the necessity of appeasing the Abolitionists and of consolidating Union support. Again, it is to be questioned whether this was statesmanship or politics.

As a final proof of Lincoln's statesmanship, the author offers the fact that the Union president not only preserved the nation, but with great foresight attempted to pave the way for the spiritual reunion of the sections. Beyond dispute this is what Lincoln desired and worked for. It is true, though, that the nation preserved was far different from the one which entered the cauldron of Civil War, and that spiritual reunion was long delayed by policies which were taking shape even before his death.

All of the foregoing, it is admitted, is a question of interpretation and opinion. Particular exception is taken to the fact, however, that Professor Nevins occasionally violates the most basic rules of good historical writing. He has a way of looking into a character's mind and discerning what he thought or would have said. For example, "He [Lincoln] did not live to write a book of memoirs; but had he done so, it would certainly not have been chiefly concerned with the battlefronts, and would probably have said. . . ." Again, "Jefferson Davis knew in his heart that his main task was" And finally, "We can guess how happy Lincoln would have been could he have known that"

With the few statements of questionable fact contained in the book we will not argue, but typical of them is the misleading assertion, "Lincoln held his ground in 1862, keeping control of Congress. . . ." He did keep control of Congress, but he most certainly did not hold his ground. James G. Randall, using statistics taken from the *New York Tribune Almanac*, says, "It was only by the slenderest margins that the party associated with Lincoln retained control of Congress in the elections of 1862. . . ."

The statement is contained in the preface to *The Statesmanship of the Civil War* that this subject will be more fully dealt with by the author in two forthcoming volumes of his series called *Ordeal of the Union*. It will be interesting to see whether additional research and reflection will cause him to alter any of the opinions which the writer has felt compelled to criticize in this review.

KENNETH M. JACKSON

Loyola University, Chicago

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CONTENTS

PRESIDENTS AND CONSTITUTIONS

IN THE AMERICAS, PART II *Joseph Menez* 75

MEXICO: PRESIDENT AND

CONSTITUTION *Stephen S. Goodspeed* 96

SANDINO: DEATH AND AFTERMATH *Joseph O. Baylen* 116

BOOK REVIEWS 140

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Presidents and Constitutions in the Americas

Part II

In the preceding part of this continued article consideration was given to the relationship of presidents to legislatures in the Americas under their respective constitutions, with emphasis on the initiation and influencing of legislation. The addresses of the president to the legislators, his control over sessions and budgetary matters, his powers of veto and administrative regulations as carried to an extreme in some countries of Latin America—all have tended to make the executive very powerful. In their turn the legislatures, notably independent of the executive in the United States, Chile, and Uruguay, have been equally powerful in the legislative and governmental process. The power of impeachment, of congressional investigation particularly, and of control over the president's movements have assumed noteworthy proportions, whose legal and political consequences will be the subject of the following discussion.

Impeachment

The impeachment process in Latin America as in the United States, for the most part, begins in the lower chamber.¹ In several other constitutions impeachment is by the single (unicameral) national assembly,² while in Bolivia it is by either branch. In

¹ Argentina (Art. 52), Brazil (Art. 59), Colombia (Art. 102, cl. 5), Chile (Art. 59, cl. 1), Ecuador (Art. 50), Mexico (Art. 75, cl. 5), Nicaragua (Art. 172), Peru (Art. 121), Uruguay (Art. 84), United States (Art. 1, Sec. 2).

² Costa Rica (Art. 151), El Salvador (Art. 162), Guatemala (Art. 116), Honduras (Art. 101, cl. 14), and Panama (Art. 119).

Venezuela the Supreme Court takes cognizance of impeachment provisions against the President, Vice-President and other high officials.³ The fact that the President is answerable to the lower chamber seems to be in keeping with the theory that it is the democratic or popular branch of the government that should control this important process.

The president of the United States can be impeached for treason, bribery and other high crimes and misdemeanors.⁴ Treason and bribery are definite enough in meaning, but not so high crimes and misdemeanors which are flexible and indefinite. This phrase does not necessarily mean indictable offences, for President Andrew Johnson was impeached, among other reasons, for making speeches denouncing Congress.⁵

The president in Latin America can be removed following illegal acts against the administration of the state, its honor, security, integrity, or for openly infringing on the laws or the constitution.⁶ The phrases "common crimes," "crimes in connection with those of the President," "common offences," are used apparently in the same sense as the phrase "other high crimes and misdemeanors" is used in the Constitution of the United States. "It would seem, therefore, that any misconduct which affects the public welfare or indicates the unfitness of the official renders him subject to impeachment."⁷ In two constitutions treason is a specified cause of impeachment.⁸ No doubt, however, any action by a president or vice-

³ Bolivia (Art. 61, cl. 12), and Venezuela (Art. 220, 221).

⁴ Article 2, Section 4.

⁵ John Mabry Mathews, *The American Constitutional System*, New York, 1940, 116. Edwin Corwin, *The Constitution and What It Means Today*, Princeton, 1946, 9. *Rules and Manual United States House of Representatives*, 76th Cong. 3rd Sess., House Document, No. 665, Sec. 194, 58. Congress has at times been quick to talk of impeaching the President; see Sydney Hyman, *The American President*, New York, 1954, 82, for accounts in which Washington was criticized for concluding the Jay Treaty and Representative Andrew Jackson demanded that he be impeached. When President Andrew Jackson was censured by the Senate for removing the Secretary of the Treasury, he hastily reminded the Congress that it was not within the constitutional privilege of Congress to condemn the President except through impeachment; see Woodrow Wilson, *Division and Reunion, 1829-1909*, New York, 1910, 84. When President Harry Truman refused to make public to a congressional investigating committee loyalty files on Federal employees, Senator Homer Ferguson suggested impeachment because "Presidential arrogance is becoming intolerable," *New York Times*, August 8, 1948.

⁶ Brazil (Art. 89) has a long list of items restricting the President. See also the phrasing in the Constitutions of Colombia (Art. 97, cl. 2), El Salvador (Art. 98), and Nicaragua (Art. 178, cl. 1, 2).

⁷ Mathews, 116.

⁸ Uruguay (Art. 84), Mexico (Art. 108).

president bordering on treason could be included in these broad limits. The Argentine Constitution does not mention any reasons for impeachment, while the Ecuadorean Constitution specifies that only Ecuadorans can introduce charges of treason.⁹

In addition to reaching the President, the impeachment article in the United States Constitution reaches "all civil officers" of the federal government.¹⁰ Congressmen, for example, are not civil officers for, according to Article I, Section 6, no congressman during his term can be appointed to any civil office under the authority of the United States.¹¹ Lending weight to this opinion is the fact that the Constitution provides a different manner for expelling Congressmen.¹² Furthermore, in 1798 there was an attempt to impeach Senator Blount which failed.¹³ Impeachment proceedings have never been instituted against a military officer since he is, supposedly, subject to court martial; and it is agreed generally that Congress has no control in this case.¹⁴

In general, Latin American constitutions spell out what the term "civil officers" means. In addition to the president and vice-president (as in Bolivia, Art. 61, cl. 12) the term includes ministers, diplomatic agents and the comptroller general of the republic, or such others as the Attorney General and Supreme Court Justices.¹⁵

The Constitution of the United States and the constitutions of Latin America, in general, provide not only for the impeachment of the president and vice-president and other high civil officers but for their indictment and punishment according to the law. In the United States the President would be subject to the proper court

⁹ Argentina (Art. 52, 53), and Ecuador (Art. 52).

¹⁰ Article 2, Section 4; for a discussion of impeachment in a classic work see the *Federalist* by Alexander Hamilton, John Jay, and James Madison, Everyman Edition, Nos. 65 and 66.

¹¹ Mathews, 114. *The Constitution of the United States (Annotated)*, Senate Document 232, 74th Cong., 2nd Sess., 403.

¹² Congress is the final authority in judging the elections, returns, and qualifications of its members; (Art. 1, Sec. 5, cl. 1).

¹³ Mathews, 115.

¹⁴ Claudius C. Johnson, *American Government*, New York, 1951, 357; Paul C. Bartholomew, *American Government Under the Constitution*, Dubuque, Iowa, 1949, 133.

¹⁵ Colombia (Art. 102, cl. 5), and Panama (Art. 119). In September 1946, the Argentine Chamber of Deputies impeached four members of the Supreme Court and the Attorney General. One resigned while the Attorney General and three others "separated." Technically they were not impeached. The Argentine Constitution does not establish any procedure but impeachment for removing officers from their positions; see Asher N. Christensen, "Political Events and Governmental Changes in Argentina, 1943-1948," *Political, Economic, and Social Problems of the Latin American Nations of Southern South America*, Austin, 1949, 103.

of jurisdiction if, following his conviction, he were tried for an indictable offense. This does not constitute double jeopardy. Furthermore, he could not pardon himself since pardons do not cover impeachments.¹⁶ Decrees and resolutions of an impeachment nature in Honduras cannot be vetoed. (Art. 110, cl. 4).

In a number of states the president is subject to the supreme court for crimes indictable by law.¹⁷ Unlike the United States practice in which the President continues to hold office during the impeachment trial, in several Latin American states the president is temporarily suspended. In Brazil, the Chamber of Deputies on an absolute majority vote can "declare founded or unfounded" accusations against the President.¹⁸ The Senate has exclusive power to judge these officials. Meanwhile, once the accusations are substantiated, the President shall "be suspended from his functions." When the accusation is approved by a two-thirds vote of the chamber of representatives, (in Uruguay, Art. 160) the President shall be suspended from exercising his functions.

After the impeachment charges are introduced in the lower house the universal practice is for the person impeached to be tried in the upper house. In the United States the impeachment machinery is begun by a member of the House, a presidential message to the House, by a state legislature or other interested parties.¹⁹ According to the Constitution of El Salvador (Art. 162) "any person has a right to charge the offenses . . . and to appear as a party if he possesses the qualifications required by law for that." In Chile, the Chamber of Deputies, on the approval of at least ten members, can introduce charges of impeachment, and in Guatemala, Nicaragua, Uruguay and Argentina by a two-thirds vote of the total number of deputies of the congress.²⁰ In the United States the articles of impeachment can be voted by a simple majority. Following a committee report the House notifies the Senate and House prosecutors, known as managers, to conduct the trial. Each Senator is under oath to render impartial justice. The trial is very much like an

¹⁶ Article 2, Section 2, cl. 1.

¹⁷ By the Federal Supreme Tribunal in Brazil (Art. 88, 101, cl. 1), The Supreme Court in Colombia (Art. 97, cl. 2), and Nicaragua (Art. 178, cl. 1, 2), by the court having jurisdiction in Chile (Art. 42, cl. 1), Ecuador (Art. 46), Honduras (Art. 187), and the Supreme Court in Peru (Art. 122), Uruguay (Art. 93), and Venezuela (Art. 221).

¹⁸ Brazil (Art. 59, 88).

¹⁹ *Rules and Manual of the United States House*, Sec. 603, 272-273.

²⁰ Chili (Art. 39), Guatemala (Art. 116), Nicaragua (Art. 172), Uruguay (Art. 160), and Argentina (Art. 52).

ordinary court trial.²¹ The accused has lawyers, witnesses are subpoenaed, examined and cross-examined. The public attends.²² If the President does not attend the session at which he is cited in Chile (Art. 42, cl. 1), or does not send a written defence, the Senate can renew the citation or proceed without his defence. The same is true in Nicaragua (Art. 177). Nor, in the United States, does the accused have to appear at his impeachment trial. On his own authority, he does not have to be represented by an attorney. The House will not compel him to appear and the trial proceeds on a plea of not guilty. In fact, "it has been decided that the Senate has no power to take into custody the body of the accused."²³

There was some dispute in the United States as to whether an impeached officer could escape the charges by resigning from office. In 1876 Secretary of War, William Belknap, resigned under impeachment charges and his resignation was accepted by President Grant. The Senate continued, however, with the trial. Secretary Belknap claimed that he was beyond senatorial control since when impeached he was not a civil officer. The Senate continued the impeachment proceedings but subsequently acquitted him. It appears that resignation does not deprive the Senate of its power to try impeachments. Neither can the officials in Argentina escape punishment by resigning.²⁴ "The principal reason for this view is that the United States Constitution specifies as possible penalty for conviction on impeachment not only removal from office but also disqualification to hold office in the future."²⁵ Otherwise, if an officer's resignation were accepted he could at any time escape impeachment. Removal from office if guilty appears to be automatic but whether he can hold any other position under the United States is left to the Senate.²⁶

²¹ "Although the Senate sits as a court, it is not compelled to follow all the technical rules of judicial procedure, such as those, for example, relating to the admissibility of evidence." Mathews, 113. In 1868 the Senate overruled the old view of its functions deciding that it sat for impeachment trials as the Senate and not as a court and thus eliminated from its rules any mention of itself as a high court of impeachment; *Rules and Manual of the United States House*, Section 38, 14.

²² *The Constitution (Annotated)*, 408.

²³ *Rules and Manual of the House*, Sec. 611, 276.

²⁴ C. A. Navaro and H. F. Hroncich, *Derecho Constitucional Argentino y Comparado*, Buenos Aires, 1939, 422.

²⁵ Mathews, 115.

²⁶ *Ibid.*, 114. There was discussion once whether the Constitution required removal and disqualification. In the Pickering case the Senate decreed only removal, and in the Humphrey case both removal and disqualification; these are now left to a vote; *Rules and Manual of the Senate*, Sec. 41, 276. The Senate is not absolutely opposed to resignation, as shown in the Andrew Mellon case, when in 1930 Mellon resigned as Secretary of

Several Latin American states require that the President remain in the country for a number of months, usually six to twelve following his term and that during this time, although not in office, he is subject to impeachment proceedings.²⁷ There is no similar provision in the United States Constitution providing either for impeachment following a constitutional term of office or for staying in the country for a specified time. In early November, 1953, Representative Harold Velde, Chairman of the House Un-American Activities Committee, following a disclosure by Attorney General Herbert Brownell that Mr. Truman while President had permitted a known communist, Dexter White, to work in the Administration, issued a subpoena demanding that the Ex-President appear before the Committee. Basing his refusal on long constitutional practice and the doctrine of the separation of powers, he refused. The doctrine, he said,

must be equally applicable to a President after his term of office has expired when he is sought to be examined with respect to any acts occurring while he is President. The doctrine would be shattered . . . if he would feel during his term of office that his every act might be subject to official inquiry and possible distortion for political purposes.²⁸

Conviction on impeachment charges is generally by a two-thirds vote. The rule in the United States, Argentina and Colombia is conviction by two-thirds of the members present and voting.²⁹ This, no doubt, as in the United States, means two-thirds of a quorum.³⁰ In Chile it is two-thirds of the Senators entitled to vote when the President is being impeached and, in other cases, by a majority of the Senators. Similarly, Congress proceeds against the President in Guatemala, Mexico, Uruguay and Costa Rica following a two-thirds vote of the total number of deputies of the Congress.³¹

the Treasury while being considered for impeachment, and subsequently was appointed ambassador to England; Wright Patman, *Our American Government*, Chicago, 1948, 128.

²⁷ It is six months in Chile (Art. 39, 1.1) and Uruguay (Art. 160), one year in Costa Rica (Art. 150), Ecuador (Art. 52) and Nicaragua (Art. 172), and five years in Honduras (Art. 188).

²⁸ *The New York Times*, November 15, 1953, Sec. 4, E, contains the full initial charges and countercharges by all principals.

²⁹ In the United States "two-thirds of the members present," (Art. 1, Sec. 3, cl. 6), in Argentina "two-thirds majority of the members present," (Art. 52), and in Colombia "two-thirds of the Senators present," (Art. 97, cl. 4).

³⁰ Corwin, *The Constitution*, 9, 139.

³¹ Guatemala (Art. 116), Mexico (Art. 11), Uruguay (Art. 92), Costa Rica (Art. 110, cl. 9).

The Chief Justice of the Supreme Court presides in the United States Senate when the President is being tried.³² This is also true according to several Latin American constitutions.³³ When the Argentine President is impeached the head of the Supreme Court presides; if it is the Vice-President then the presiding officer is the provisional president or the vice-president of the Senate. In all other cases, the presiding officer is the vice-president.³⁴ In the United States this is the only connection the Court has with impeachment proceedings. The Chief Justice's part was devised by the founding fathers to offset any direct influence the Vice-President might have in the impeachment proceedings since he is normally the President of the Senate.³⁵ In Latin America, however, the court in several states plays a prominent part in impeachment trials. In El Salvador, for example, the Supreme Court receives accusations and denunciations against the public officials and decides if there is a basis for the charges. Also, sentences pronounced by the legislative chamber may be appealed to the Supreme Court.³⁶ It is interesting to note that an attempt was made by Madison to bring the Supreme Court more into the impeachment process by creating a special court, but he was defeated.³⁷ Thus "the decision of the Senate is final and not subject to appeal."³⁸ Most interesting, in Ecuador (Art. 51) is the provision that if the Chamber of Deputies or the Senate rejects accusation against the President "it may not be renewed on the same grounds that motivated it unless it deals at the same time with those that constitute a common offense." This

³² Article 1, Section 3, cl. 6.

³³ Argentina (Art. 52) and Ecuador (Art. 45, cl. 6).

³⁴ Daniel Antokoletz, *Tratado de Derecho Constitucional y Comparado*, 2 Vols., Buenos Aires, 1933, II, 583.

³⁵ However, under the United States machinery for impeaching the President there is considerable room for bias. When President Andrew Johnson was impeached there was no Vice-President but a president *pro tempore* of the Senate. Under the succession law, as it then stood, he would succeed to the presidency if President Johnson were convicted. He presided and, unembarrassed, cast a vote for conviction. Mathews, 113. Although the Constitution contains nothing about who should preside when the Vice-President is under impeachment perhaps it ought to be the Chief Justice. The obvious unfairness in the Johnson case aside from the chairman casting a vote, is that the presiding officer has the power like the President of the Senate to rule on questions of law and procedure. But the Senate has full power "in determining its procedure and is now required to disqualify its members from alleged prejudice or interest." Corwin, 10.

³⁶ El Salvador (Art. 98, 162).

³⁷ Jane Butzner, *Constitutional Chaff*, New York, 1941, 39.

³⁸ Mathews, 113.

provision is similar to the restriction on recall provisions for ousting our State governors.³⁹

It would seem that the United States Senate has no right to refuse to hear an impeachment case, although, if it should refuse to do so, there would be no way of compelling it to act. Such a situation has never arisen.⁴⁰ When trying impeachments the Senate has power to compel the attendance of witnesses.⁴¹ Further, the witnesses have always been questioned in open Senate and never before a committee.⁴²

The impeachment article has in no country developed into a powerful legislative weapon over the president and other high officials. To the time of the publication of his book in 1925 Stuart asserts that no Peruvian president ever had impeachment proceedings directed against him. He gives two reasons, one, that during the first one hundred years of the Republic the average length of time the President held office was only three years, and two, the revolutionary method of eliminating presidents "has been so effectively and commonly used in Latin American countries that impeachment, which after all is of Anglo-Saxon origin, will never be a really satisfying substitute."⁴³ In Mexico no President has ever been impeached or brought to trial and, given the present political alignment, it is unlikely that impeachment proceedings will begin "no matter how valid they may be."⁴⁴ Finally, in Argentina it has not been an important weapon of the Congress to control the executive or judicial branches of the government.⁴⁵

Given the political instability of Latin America where succession is so frequently by revolution and *continuismo* and *caudillismo* prevail, it is unlikely that impeachment, as a legal weapon of the legislature to overthrow the executive, will become important.⁴⁶ In

³⁹ Clyde F. Snider, *American State and Local Government*, New York, 1950, 147.

⁴⁰ Mathews, 113.

⁴¹ *The Constitution (Annotated)*, 110, 408.

⁴² *Rules and Manual of the House*, Sec. 614, 277.

⁴³ Graham A. Stuart, *The Governmental System of Peru*, Washington, 1925, 40.

⁴⁴ Stephen S. Goodspeed, "The Role of the Executive in Mexico," unpublished doctoral dissertation, University of California, Berkeley, 1947, 376.

⁴⁵ Christensen, in *Political, Economic, and Social Problems*, 102.

⁴⁶ In 1893 the Bolivian Senate decreed impeachment for ex-President M. Hilarion Oaza for malversation and in 1932 of ex-President M. Siles for "violation of the general guarantees of the constitution" Franklin Antzana Paz. *La Régime Parlementaire en Bolivie*, Paris, 154. It was used

the United States impeachment has been little used and is cumbersome.⁴⁷ The process of impeachment, said Woodrow Wilson,

like those of amendment, are ponderous and difficult to handle. It requires something like a passion to set them a-going; and nothing short of the grossest offences against the plain law of the land will suffice to give them speed and effectiveness. Indignation so great as to overthrow party interest may secure a conviction; nothing less can. Indeed, judging by our past experiences, impeachment may be said to be a little more than an empty menace. The House of Representative is a tardy grand jury, and the Senate an uncertain court.⁴⁸

Jefferson said it was "not even a scarecrow."⁴⁹ It cannot be said to be a working method of the legislature for controlling the executive.⁵⁰ In the case of President Andrew Johnson it was frankly used by a Reconstructionist Congress for political ends.⁵¹ A Brazilian writer correctly asserts that impeachment should be judicial and not political.⁵² According to one student of comparative government "it may well become obsolete as it has in Britain, where the last case of successful impeachment of a minister before the House of Lords was in 1806."⁵³

recently as a post-revolutionary device in Panama. President Arnulfo Arias suspended the Constitution of 1945 in favor of the constitution of 1941 which gave him dictatorial powers. An ensuing riot caused the death of forty persons. The First Vice-President, Alcibiades Arosemena was installed as President following Arias' impeachment by the National Assembly. He was barred from office for life. The Supreme Court upheld the National Legislature. Germán Arciniegas, *The State of Latin America*, translated by Harriet de Onis, New York, 1952, 281-284.

⁴⁷ Corwin, *The Constitution*, 11,

⁴⁸ Woodrow Wilson, *Congressional Government*, Cambridge, 1913, 275-276.

⁴⁹ Mathews, 116.

⁵⁰ There have been thirteen impeachments, counting the abortive attempt against Senator Blount, four convictions and several resignations. Four judges were removed and one resigned under fire. Four judges were acquitted; William Belknap, Secretary of War under Grant, was acquitted. And, of course, President Andrew Johnson was acquitted. William Linnaeus Ludlow, *The American Constitution*, New Concord, Ohio, 1941, 157-160.

⁵¹ For a discussion of impeachable offences and of President Johnson's trial, see *Rules and Manual*, 57-58. For the articles of impeachment against Johnson see William Macdonald, *Documentary Source Book of American History*, 1909, 518-529.

⁵² Pedro Calmon, *Curso de Direito Constitucional Brasileiro*, Rio de Janeiro, 1947, 190.

⁵³ J. A. Corry, *Elements of Democratic Government*, New York, 1951, 161. "With the development of a direct political responsibility of the ministers to Parliament and the acknowledgment that he must resign when he lost its confidence, impeachment became obsolete" in England. H. R. G. Graves, *The British Constitution*, New York, 1941, 105.

Congressional Investigations

That the legislature possesses the inquisitive power or the power to investigate, as in the United States, "to elicit information which is reasonably conducive to the effective exercise of its constitutional powers,"⁵⁴ is beyond doubt. In the case of *McGrain v. Daugherty* the Supreme Court of the United States said in part:

A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it.⁵⁵

Pereira, the Brazilian scholar, believes that the power of the United States Congress to investigate is founded in Article 1, Section 8, clause 18, the "necessary and proper" clause.⁵⁶ Further, the power of investigation in the Argentine Constitution is, as in the United States Constitution, implicit.⁵⁷ Nor, according to Lerena Acevedo, does this power violate the doctrine of separation of powers.⁵⁸ In the ministerial type of government it is within the competency of congress to summon ministers for questioning. The right of the investigation conceded constitutionally requires all the necessary faculties to make its will effective and hence the legislative commission can summon a minister if necessary for the success of its inspection.⁵⁹

In the United States there are two kinds of constitutional limitations on Congress' power to investigate, one, "that the information

⁵⁴ Mathews, 108. Three reasons for using the investigation power are: (1) it will hold the executive to account, (2) it will control executive expenditures, and (3) it will help make laws. Aquinaldo Costa Pereira, *Comissoes Parlamentares de Inquerito*, Rio de Janeiro, 1948, 78, 95. The United States 82nd Congress was the "investigating-est Congress on record." It conducted more than 130 special investigations not directly connected with pending legislation; *New York Times*, October 21, 1951.

⁵⁵ 273 U. S. 175. One very important criticism of the investigating function is that the legislative function is being channeled into one of investigation. Thus, the secondary function of Congress is shadowing the primary function of making laws. Arthur Krock, *New York Times*, June 17, 1951, Sec. IV.

⁵⁶ Pereira, 73.

⁵⁷ *Ibid.*, 60.

⁵⁸ Arturo Lerena Acevedo, *Comisiones Parlamentarias de Investigación*, Montevideo, 1946, 16. "Such an exercise of power is judicial or quasi-judicial rather than legislative in character and, in deference to the principle of separation of powers, could not be sustained unless it is clearly implied in some power expressly granted to Congress." Mathews, 109.

⁵⁹ Acevedo, 29.

to be elicited from certain investigations must be auxiliary to the exercise of some power constitutionally granted to Congress," and two, "Congress must not violate those provisions designed to protect the individual against arbitrary power of the government."⁶⁰

Latin American constitutions that mention the power of the legislature to form congressional investigating committees fall into two groups, those which state that the legislature can demand information from the executive, if in the opinion of the legislature it must possess it,⁶¹ and those that request information from the executive providing a disclosure will not violate the public good.⁶² In El Salvador the President will give the assembly any information it requests but should the President deem it secret he will inform the assembly. However, "in the case in which the information may be necessary for determination of responsibility he may not refuse it for any reason or withhold documents after having been accused by the assembly." In Argentina (Art. 1, cl. 5) either chamber may "request" information from the President it may deem expedient and within its powers and the President can reply in writing, in person, or by sending a minister.⁶³ If those states in Latin America whose constitutions, like that of the United States,⁶⁴ do not mention the power of Congress to investigate, possess such power, then this power is either founded in the nature of legislative power or on a liberal reading of the constitution.⁶⁵

⁶⁰ Mathews, 109. The investigating committee has come in for considerable criticism even by members of Congress. See "Dangers in Congressional Immunity," by Senator Lester C. Hunt in the *New York Times* for June 24, 1951, and a "Code For Congressional Inquiries" by Representative Kenneth B. Keating in the same paper for April 5, 1953. See also the "ten commandments" of fair play by Senator Paul H. Douglas in the *Congressional Record* for July 16, 1953.

⁶¹ Costa Rica (Arts. 121, cl. 23 and 139, 1.11), Panama (Art. 144, cl. 6).

⁶² Nicaragua (Art. 215, cl. 5), Colombia (Art. 118, cl. 5), Bolivia (Art. 94, cl. 10).

⁶³ Article 64. In Argentina up to 1880 there were five congressional committees, from 1880 to 1890 one, 1890-1900 eight, 1900-1910 three, 1910-1920 twenty-one, 1920-1930 twenty-seven. A total between 1880 and 1930 of sixty-six. Pereira, 34. Quoting Barthelemy (*Essai Sur le Travail Parlementaire*, 247) that this power is founded in Article 67, cl. 7, of the 1853 Constitution (Article 68, cl. 7, of the Constitution of 1949) then Costa Pereira adds: "Great importance is attributed to North American precedents, since the Argentine Constitution was modelled on that of Philadelphia. Pereira, 61.

⁶⁴ Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, and Venezuela.

⁶⁵ "The power of supervision and control of administration is inherent in democratic assemblies as much in the parliamentary regime as the presidential." Pereira, 78.

It is when the legislature, presumably acting within its authority to legislate, asks or demands from the executive certain information and he refuses—under the theory that he is the head of an independent and coordinate branch—that a constitutional disagreement arises. Short of a constitutional amendment, in the United States it is difficult to see how Congress could force the President to divulge secrets believed by him pertinent strictly to the executive department.⁶⁶ In the famous case of *Marbury v. Madison*, John Marshall directed a *subpoena duces tecum* to President Thomas Jefferson requiring him to bring to the Court papers and he refused saying it would interfere with his duties. "This has formed a precedent ever since."⁶⁷ The principle, it appears, applies to heads of departments too.⁶⁸ In the event that Congress went ahead and held in contempt an executive officer or head of a department the President could throw the mantle of his own immunity from judicial process and from legislative inquiry around him. That the powers of each branch sometimes collide is obvious. "Thus far the adjustment of the two powers to one another has been effected by the give-and-take of the political process and presumably it must continue to be."⁶⁹

If Congress has annoyed the Executive with the creation of investigating committees to investigate or watch over activities of the executive branch, so too the national legislature has been fearful of presidential commissions. Such commissions have had a three-fold purpose in the United States. First, to supply the President with facts and advice in order to recommend legislation; secondly, to investigate the administration of the laws by the executive department; and thirdly, to act as an agent of the President in domestic and foreign affairs.⁷⁰ The big difference between the two types

⁶⁶ A ruling (April 30, 1941) of Attorney-General Robert Jackson that the Federal Bureau of Investigation investigative reports could be held from Congress in the public interest still stands; Corwin, *The Constitution*, 106.

⁶⁷ William Howard Taft, *The Presidency*, New York, 1916, 110.

⁶⁸ "In the many years that have rolled by since Jefferson's Presidency there have been hundreds of congressional investigations. But I know of no instance in which a head of a department has testified before a congressional committee in response to a subpoena, nor been held for contempt for refusal to testify. All appearances by these high officials seem to have been voluntary." Edward Corwin, *The President: Office and Powers*, New York, 1948, 139.

⁶⁹ *Ibid.*, 145.

⁷⁰ Carl Marcy, *Presidential Commissions*, Morningside Heights, King's Crown Press, 1945, 7-15. The constitutional authority for the establishment of presidential commissions is founded on: (1) the President's taking care that the laws be faithfully executed; (2) the relationship between

of commissions, though, is that the presidential commission has no compulsive power over persons and papers as the congressional committee has and that the presidential commission is not financially sustaining since only Congress can appropriate money.⁷¹

Intervention in local areas by Latin American presidents is the rule rather than the exception. Reasons that might be mentioned have been such as to put down a rebellion and to enforce the national laws, to reorganize a provincial government following a local revolution or impasse between the executive and the court, to "protect" these areas from "foreign attack" and, as a catch all, to alleviate and prevent conditions of anarchy resulting from various causes.⁷²

the President and executive heads, the cabinet; (3) the President as Commander-in-Chief; (4) the President's emergency powers; (5) the President as chief of foreign relations; and (6) those powers pursuant to general congressional grants.

⁷¹ Congress has compulsive investigatory power and the executive has not since they are inherently different. *McGrain v. Daugherty*, 273 U. S. 135. George Galloway in "The Investigative Function of the Congress," *The Investigating Powers of Congress*, comp. by Julia E. Johnsen, New York, 1951, 21-44, has summed up the case for and against such investigating committees of Congress. On the one hand they (1) warn executive officials to behave or be investigated, (2) substitute for administrative courts and protect the citizen from arbitrary official action, (3) are security against the misuse of opportunity, that is, using official positions for private purposes and (4) control the President without jeopardizing the republican form of government. On the other hand, such committees are (1) limited by their procedure and the process is blundering, crude, clumsy and tedious, (2) are impeded by the hostile attitude of the legislature toward the executive and their investigative fairness is impaired, (3) needlessly meddle in details of administration, (4) provide opportunity, at times, for the executive branch to escape penalty for wrong doing, and (5) have no one to watch them while they are supposed to be investigating.

The case for presidential commissions is outlined in March 12. The following eight essentials, although originally written with the British Royal Commission in mind, can be applied to the presidential commission. They (1) have prestige since they are created by royal warrant, (2) have a sense of public duty since the members serve free, (3) are created only when there is a public demand or need, (4) are of representative character since the main interests are served, (5) are created on carefully stated terms, (6) have wide powers of committee procedure and types of hearings and others, (7) can select a good chairman, and lastly (8) have the ability to get their recommendations adopted.

Recently, Clarence Manion was fired (he claims he quit) as Chairman of a twenty-five man commission set up under President Eisenhower. This Commission on Inter-Governmental Relations was set up to redefine the whole federal-state relationship with an attempt to determine lines of authority and to eliminate overlapping functions. Mr. Manion claimed that he resigned in response to the President because the latter would not give him a free hand in his own private speaking engagements—even though he uttered words opposed to those of the President—while the White House claimed Manion separated because he did not have enough time for the job. See the *New York Times* February 14, page 1, for the background story.

⁷² Rosendo A. Gómez, "Intervention in Argentina, 1860-1930," *The Evolution of Latin American Government*, ed. by Asher N. Christensen, 396.

This is not only true in those Latin American countries considered unitary but those considered federal as well.⁷³ Evidence exists that the provinces can often deal with local disturbances and settle their own troubles without presidential assistance, but all-powerful presidents must assert their authority at all times. In fact, it is not unknown for presidents to create local conditions that would justify intervention on constitutional grounds.⁷⁴ The Constitution of the United States guarantees to every state a republican form of government and promises that the United States will protect each of them against invasion or domestic violence.⁷⁵ Pursuant to these clauses Congress has passed much legislation giving the President certain powers "in cases of emergency," and "in time of war or similar emergency." The President appears to be the sole judge of the contingency.⁷⁶ Thus, in time of emergency the President bears the responsibility for preserving the existing order. Presidential leadership is dominant. "He alone can immediately command every source of information, make decisions and execute them without delay. . . . The legislature as the primary policy-making organ is not the appropriate branch to take immediate action."⁷⁷

There is a tendency on the part of Latin American executives to invoke intervention when congress is not in session.⁷⁸ At least as

⁷³ John W. White, *Argentina*, New York, 1942, 113. Austin F. Macdonald, *Government of the Argentine Republic*, New York, 1952, 192. The long conflict between the provinces and Buenos Aires for power is rather well known. The Constitution of 1853 lasted until 1949, surviving the federalization of Buenos Aires in 1880. The actions of the Peronista Party under one or other constitution are noted in the *New York Times*, September 28, 1952, Sec. 1, 19, and in numerous newspapers and periodicals over the past ten years. The Mexican presidents have repeatedly interfered and intervened in the affairs of the Mexican states, so much so that states rights were practically unknown until recently. See Goodspeed, 389, and J. Lloyd Mecham, "Mexican Federalism—Fact or Fiction?" in *The Evolution of Latin American Government*, New York, 1951, 364–367.

⁷⁴ Goodspeed, 389.

⁷⁵ Article 4, Section 4.

⁷⁶ Corwin, *The President*, 192; Bennett Milton Rich, *The Presidents and Civil Disorder*, The Brookings Institute, Washington, 1941, 190; Albert M. Sturm, "Emergencies and the Presidency," in Robert S. Rankin, ed., *The Presidency in Transition*, Gainesville, Florida, 1949, 121. The term "emergency" is not found in the Constitution. Authority to deal with it comes from provisions relating to the President, Congress, usages and practice.

⁷⁷ Sturm, *loc. cit.*, 122.

⁷⁸ Of the 101 interventions in Argentina from 1860 to 1930, 64 were presidentially initiated when congress was not in session, six of which were later sanctioned by a congress, and thirty-seven were initiated by the congress; Rosendo A. Gómez, "Intervention in Argentina," in Christensen, 394. Significantly, President Lincoln met the Civil War

far as Argentina is concerned one author believes that this is possible because there exists no permanent committee sitting when the Argentine Assembly adjourns.⁷⁹ Throughout Latin America it is not unknown that presidents completely control the governors and administrations of the local states. In Argentina governors are unseated and the President puts the province under an Interventor.⁸⁰ In Mexico, governors are the instruments of the President and are removed by him. The Senate's Permanent Committee decides between rival governors which is the rightful one, but since it is the arm of the President he, in effect, "really makes the final decisions."⁸¹

In Brazil the situation is much the same. Intervention has made the national government a virtual dictatorship. As soon as Deodoro quit and was succeeded by Vice-President Floriano Peixoto, the latter tried to unseat the local governors.⁸² President Arthur de Silva Bernades intervened in the state of Rio de Janeiro when, the election of 1922, its majority had gone to a favorite son.⁸³ The use Vargas made of Interventors is well known.⁸⁴ Such cases of presidential intervention can be many times multiplied throughout Latin America. It is a common pattern of executive truculence and disregard of local rights and the national constitution.⁸⁵

The assembly in Latin America has no power of its own to intervene in local areas or, if it does, it has largely abdicated it to the president. That is, the president's is the guiding hand of assembly action. As Tannenbaum rightly says of Mexico:

Under the Constitution the Senate has the duty of deciding upon the legality of a state government or of breaking off all federal relations with it. The Senate, therefore, ultimately decides who has been elected governor. But the Senate, like the governor of the states, is a creature of the President, and the Permanent Committee of the Senate . . . is hand-picked by the

emergency when Congress was out and delayed its reopening, meanwhile acting illegally.

⁷⁹ Christensen, 453.

⁸⁰ White, *Argentina*, 113.

⁸¹ Frank Tannenbaum, "Personal Government in Mexico," in Christensen, 420.

⁸² Lawrence F. Hill, ed., *Brazil*, University of California Press, Berkeley, 1947, 71.

⁸³ *Ibid.*, 100.

⁸⁴ Karl Loewenstein, *Brazil Under Vargas*, New York, 1942, 60. For a recent account of the first Vargas regime and his use of *interventors* see J. A. Comacho, *Brazil*, Royal Institute of International Affairs, London, 1952, 77.

⁸⁵ Mecham, "Mexican Federalism," in Christensen, 373.

President. So it is he who finally decides who has been elected governor of the state.⁸⁶

Although the United States Constitution guarantees every state a republican form of government, nowhere is it defined. State governments as existing at the time of the adoption of the constitution were considered as being essentially republican and were so when Congress welcomed them into the Union. Neither does the Constitution determine who applies the test of republicanism. It is considered, now, as belonging to the "political branches" of the government.⁸⁷ The United States Constitution lays down the method for presidential intervention to protect a state against invasion or domestic violence. This will come about on the application of the local legislature or, when it cannot be convened, of the Executive.⁸⁸ It should be mentioned, of course, that in time of "imminent danger as will not admit of delay" the state government can on its own engage in hostilities.⁸⁹ Thus, state authorities must first want the aid. This was the procedure in the Rhode Island case.⁹⁰ "If, however, the President feels that the state is capable of maintaining order and that it makes a request for national intervention because of timidity or for political reasons, he may refuse to send aid."⁹¹ On the other hand, the President can dispatch troops to the scene of the disorder, even over the protests of state authorities, as President Cleveland did in 1894.⁹² Unlike intervention in Latin America, though, which is frequent, needless and traditional, United States Presidents are reluctant to send troops into states and they give two reasons, generally, ". . . that the state has not yet demonstrated its inability to quell the disturbance" and "that the governors requisition

⁸⁶ Frank Tannenbaum, *Mexico: The Struggle For Peace and Bread*, New York, 1950, 86. For a discussion of the *Secretaria de Gobernación* which deals with internal relations, disputes between rival state legislatures, and the way the President controls governors, see Mecham, in Christensen, 365-366.

⁸⁷ *Luther v. Borden*, 7 Howard 1 (1849). For a compact discussion of this and other questions similarly involving presidential intervention to maintain a republican form of government, see Robert E. Cushman, *Leading Constitutional Decisions*, New York, 1950, 256-259.

⁸⁸ Article 4, Section 4.

⁸⁹ Article 1, Section 10.

⁹⁰ Cushman, 257.

⁹¹ Johnson, *American Government*, 71.

⁹² He did it to keep interstate commerce and the federal mails operating. "If it takes the entire army and navy of the United States," he said "to deliver a post card in Chicago, that card will be delivered." Allan Nevins, *Grover Cleveland: A Study in Courage*, New York, 1933, 628.

is incorrectly drawn.”⁹³ The President’s determination, at any rate, as to the needs of troops is exclusive and final. This would fall under the nature of a discretionary act and he cannot be forced by the courts to perform it.⁹⁴

The President of the United States has no authority as such over unconstitutional state law. Under the Constitution of the United States such is within the competence of the federal courts.⁹⁵ But if the Mexican President believes that a state law is unconstitutional he can have it removed from the statute books by a personal directive or through an act of the federal Senate.⁹⁶ Under Article 40 he has to defend a democratic, representative republic and state popular sovereignty; but since these are not defined by the Constitution, Mexican Presidents have taken it upon themselves to define and interpret these terms, judging whether certain laws and institutions meet their personally determined standards.⁹⁷ Two methods of intervention are employed, one, having military zone commanders force state legislatures to rescind legislation and see that republican institutions are upheld and, two, the federal Senate can declare a state’s constitutional power suspended. Under Article 122 a state governor can request presidential intervention but even without such an invitation, the President could intervene and even replace the governor.⁹⁸ Not only does the President in Latin America intervene in local areas, ignoring one protest after another, but if resistance to him is stiff enough he proclaims a state of siege. Ostensibly it is to preserve order but too frequently it means a lust for unconfined power. In the case of *In re Neagle* the Supreme Court of the United States held that although Neagle’s assignment, to protect Supreme Court Justice Field, on circuit after the judge had been threatened with physical harm, was not traceable to any statutory provision, the President’s job was to see that the laws were faithfully executed.⁹⁹ In the case of *In re Debs*, the Supreme Court agreed there was no statutory basis

⁹³ Bennett Milton Rich, *The Presidents and Civil Disorder*, The Brookings Institute, Washington, 1941, 191–192.

⁹⁴ Mathews, 234.

⁹⁵ Article 3, Section 2.

⁹⁶ Goodspeed, 389.

⁹⁷ Mecham, “Mexican Federalism, in Christensen, 365.

⁹⁸ Goodspeed, 390. Tannenbaum, *Mexico*, 89.

⁹⁹ 135 U. S. 67. “In sustaining Neagle’s release the Court held that the President in the exercise of the duty imposed upon him to see that the laws are faithfully executed may without special statutory authority appoint an officer to protect the life of a federal judge.” Cushman, 24.

for the injunction used but still the United States Government could protect its property.¹⁰⁰ Thus, along with the Neagle case this seems to mean that the President can keep the peace of the United States even when he appears to intervene in local areas.

In the United States, the record of presidential intervention in state matters expands or contracts according to the political theory of the President in office. Strong presidents have not hesitated in using the national power to intervene while weak presidents were most reluctant.¹⁰¹ According to Corwin, in no fewer than twenty-five major industrial disputes, sometimes within and sometimes outside the law, Presidents have acted.¹⁰²

Most Latin American constitutions require congressional permission before the president leaves the state on public business.¹⁰³ In Paraguay and Guatemala the Constitutions say nothing about presidential absence although disability, apparently, can be "temporary."¹⁰⁴ In Panama (Art. 146) the Constitution merely notes that the President "may not leave" the territory "while he is engaged in the exercise of his functions." The Constitutions of El Salvador and Argentina permit the President to leave the country without permission but only "in cases of grave necessity of public service," and

¹⁰⁰ 158 U. S. 599-600.

¹⁰¹ Theodore Roosevelt, *An Autobiography*, New York, 1919, 389, thought that the President had the right and the duty to do everything "that the needs of the nation demanded unless such action was forbidden by the Constitution or by the laws. . . . I did not usurp power, but I did greatly broaden the use of executive power." Such broadly expressed broad powers contrast with Taft's expression: "The president can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied or included within such express grant as proper and necessary;" William H. Taft, *Our Chief Magistrate and His Powers*, New York, 1916, 139-140. Taft's suspicion of the residual executive power theory of T. Roosevelt is borne out by the Supreme Court's decision in the steel seizure case, *Youngstown Sheet and Tube Company v. Charles Sawyer*, 96 L. Ed., 817. (1952).

¹⁰² Corwin, *The President*, 191; the occasions are listed on pages 453-454.

¹⁰³ Argentina (Art. 83, cl. 21), Bolivia (Art. 93), Brazil (Art. 85), Chile (Art. 67), Colombia (Art. 128), Costa Rica (Art. 139, cl. 5), Ecuador (Arts. 86 and 98, cl. 6), El Salvador (Art. 92), Mexico (Art. 88), Nicaragua (Art. 209), Peru (Art. 152), Uruguay (Art. 158) and Venezuela (Art. 197). An historical antecedent, perhaps of this practice was the Spanish *residencia*, a judicial review of official conduct at the termination of a term. Every high government official, after leaving office, would be investigated by a *tribunal de residencia*, and during this public accountability had to remain in the territory; C. H. Haring, *The Spanish Empire in America*, New York, 1947, 149.

¹⁰⁴ Paraguay (Art. 58) and Guatemala (Art. 135). The Honduras Constitution (Art. 119) also speaks of "temporary disability" which does not seem to mean "leaving the nation" since the article goes on to name the succession when the "temporary disability" becomes "permanent."

except when the necessities of war compel him to do so.¹⁰⁵ The President must seek the permission of the Council of State, in Ecuador (Art. 86) if the Congress is not in session. This is forthcoming without question, of course, since the President controls the cabinet. In several states¹⁰⁶ the President cannot leave the country until the expiration of one year or less following his term of office or "if there are pending court proceedings against him for official offences." One state, Ecuador, prohibits the President from being absent from the capital for more than thirty consecutive days.¹⁰⁷

The Argentine provision restricting the President to the country is, according to one author, founded on the Constitution of 1848.¹⁰⁸ According to another, the Constitutionals of 1853 were afraid that President Urquiza would change the official seat of the government. Thus, "its inclusion arose through special circumstances."¹⁰⁹ If that be true it is difficult to understand its inclusion in the 1949 Constitution. Its incorporation in the Colombia Constitution results from the flight of President Reyes in 1909. Tascón says this is a useless arrangement since a president with any obstinacy will leave the country without fear of sanctioning the idea that he has abandoned his post.¹¹⁰ In the event that a president does leave the state, as in Argentina, when the Congress is in recess, he should get permission from it at the next regular session.¹¹¹ In practice, however, presidents have little difficulty in leaving the country on official business.¹¹² In Argentina and elsewhere no doubt this restriction is considered a dead letter.¹¹³

¹⁰⁵ El Salvador (Art. 92) and Argentina (Art. 83, cl. 1). President Juan D. Perón called a special Congress to vote him permission to visit Chile; *Time*, February 9, 1953, 37.

¹⁰⁶ Colombia (Art. 128) and Costa Rica (Art. 139, cl. 5) for one year; Venezuela (Art. 197) for six months.

¹⁰⁷ Article 98, cl. 6. In the Argentine Constitution of 1853 the President could not leave the capital without permission of Congress (Art. 68, cl. 21), but in the Constitution of 1949 he may leave the capital but not the country (Art. 83, cl. 21).

¹⁰⁸ Antokoletz, II, 659.

¹⁰⁹ Navaro and Hroncich, 405.

¹¹⁰ Tulio Enrique Tascón, *Derecho Constitucional Colombiano*, Bogotá, 1944, 255.

¹¹¹ Rodolfo Rivarola, *Enciclopedia de la Constitución Argentina*, Buenos Aires, 1939, 58.

¹¹² Francisco de Paula Pérez, *Derecho Constitucional Colombiano*, Bogotá, 1942, 330. For reasons of illness President Sáenz Peña left Argentina. In 1943 the Mexican Congress permitted President Avila Camacho to visit the United States; Goodspeed, 374. President Alessandri was authorized to leave Chile for six months; Luis Goldames, *History of Chile*, Chapel Hill, 1941, 375. Likewise President Galo Plaza Lasso of Ecuador visited the United States, Mexico, and Venezuela in June, 1951;

Constitutionally there is nothing to prevent the President of the United States from leaving the country for any purpose. For many years, however, the prevailing belief was that perhaps he could not leave United States Territory without permission of Congress. Congress criticized Jefferson and Grant for traveling too much. Jefferson was criticized for going to Monticello yet President Franklin Roosevelt traveled hundreds of times to Hyde Park without criticism. Freedom of travel is now a welcome thing to a President imprisoned in a grueling schedule of official routine. Criticism of Presidents traveling was "fed for years on the misapprehension that the American chief executive could not leave the country while in office, and that official acts performed outside Washington were not legal."¹¹⁴ President Wilson broke the rule by visiting France and President Franklin Roosevelt buried it during World War II.¹¹⁵ It was pointed out that Washington refused to enter the Commonwealth of Rhode Island until it had joined the Union, and President William H. Taft when he visited the Canal Zone in 1910 remained on an American war vessel. In 1876 Congress by resolution demanded that President Grant perform his legal functions at the seat of the government. He was quick to point out to a Democratic Congress that Jefferson, a Democrat, had the greatest record of absenteeism of 796 days or more than one-fourth of his eight years in the White House.¹¹⁶ Thus, the real question involved today is time and money.¹¹⁷

Several states provide for a succession of presidential power if the president is absent from the country. In El Salvador (Art. 92) when the President leaves the national territory be it with permission of the Congress or when the necessities of war compel him, he shall, nevertheless, "deposit the supreme power with the person designated by law." In the temporary absence of the Mexican President the Congress or, if it is not in session, the permanent committee,

New York Times, June 20, and July 9, 1951. These are some recent examples of a long list.

¹¹³ Macdonald, *Government of the Argentine Republic*, 208. Antokoletz, II, 615, objects to the idea of running the government *in absentia*, and argues, (*ibid.*, 660), that official acts should be realized in the federal territory.

¹¹⁴ Merriman Smith, *A President is Many Men*, New York, 1948, 232.

¹¹⁵ It is idle to speculate upon the thousands of miles travelled by the more recent presidents of the United States, whose mileage has mounted from the thousands to the hundreds of thousands. The present has been dubbed the "travelingest administration," by Roscoe Drummond in the *Chicago Sun-Times*, December 18, 1953, 32. Miles covered and time consumed in travel are two distinct gauges of absence from Washington.

¹¹⁶ Corwin, *The President*, 67.

¹¹⁷ Merriman Smith, 234.

shall designate an interim President. If the absence exceeds thirty days and the Congress is not in session the permanent committee shall call an extraordinary session of Congress to decide on a leave of absence and name an interim President (Art. 85). During the absence of the President of the United States from the country neither the Vice-President nor any other official substitutes for him. There is an unwritten rule, though, providing that the Vice-President hover in the neighborhood of the capital when the President is on an extended tour. Even this rule was violated in 1935 when the President and Vice-President were absent from the country.¹¹⁸

JOSEPH MENEZ

Loyola University
Chicago

¹¹⁸ Corwin, *The President*, 403. For a discussion of the exercise of power by a Lieutenant Governor when the Governor has left his State, see Austin F. Macdonald, *American State Government and Administration*, 4th edition, New York, 1950, 240.

Mexico: President and Constitution

Presidential dictatorship in varying forms has long been a characteristic feature of government throughout Latin America. Despite the frequent constitutional provision for a strict separation of powers between the legislative, executive, and judicial branches of government, political power invariably is located positively with the chief executive. Such a situation, at times, results from an alteration or even an outright violation of a normal grant of constitutional power. Frequently, the section in a constitution devoted to presidential powers was borrowed from the governmental practice of more politically mature countries, without taking into consideration the fact that most democratic procedures of government demand both an alert and politically conscious electorate and a group of responsible political leaders, conditioned by a long period of governmental tradition, who are intent upon following constitutional norms. The *constituyentes* of Latin America, in their zeal for producing a modern constitution, fail to recognize such political truths and construct a document so demanding of leaders and so beyond the comprehension of the great mass of citizens that constitutional provisions are violated both by design and through ignorance. This is particularly true of those provisions of a constitution which enumerate the powers and responsibilities of the chief executive.

Inasmuch as the constitutional powers of the president are so important both in theory and practice, there is value in examining the manner in which they were constructed and noting whatever warnings were raised concerning their possible abuse and the extent to which such warnings were justified. The Mexican Constitution of 1917 in many respects is a typical example of the failure of constitution-makers to assess basic political realities properly when drafting the powers and responsibilities of the chief executive.

The office of president in Mexico is the government. Since independence, Mexico has had a presidential system of government and, since 1857, a federal system. Yet the chief executive in Mexico is more than the focal point of a presidential system. Constitutionally and otherwise, his control over the other branches of government, as well as the social and economic life of the country, is difficult to match in any other present day republican system of government outside Latin America.

The first Mexican Constitution, that of 1824, was modeled along the lines of the Constitution of the United States. From 1824 until the present, Mexico has experimented with various governmental forms. But throughout this period of constitutional development, successive governments have operated under a constitutional framework similar to that established in 1824. The last two complete constitutional revisions—those of 1857 and 1917—created governmental systems, the liberalism and democracy of which cannot be excelled by other American or European constitutions created during corresponding eras.

Yet, at no period, have political realities been in keeping with the legal precepts of the basic laws, due principally to presidential conduct in office and abuse of constitutional prerogatives. During the course of the first fifty-five years of independence, the government of Mexico saw a change of leadership on an average of once a year. Such frequent changes invariably were the result of bloodshed and revolution, and rarely were in accord with constitutional provisions. During the succeeding thirty years of Porfirio Díaz, the country enjoyed comparative peace and stability. Yet the government was neither democratic nor constitutional.

The ten years following the abdication of Díaz were filled with revolution, suffering, and despair. Three presidents and six temporary or provisional presidents were in office. Two of the presidents were assassinated.

Venustiano Carranza issued a decree on September 14, 1916, which called for election to a constituent congress.¹ A special electoral law was passed and elections took place five days later.² Carranza had cited the need for constitutional reform,³ and when the Congress finally assembled in December, he elaborated these reasons in his famous *Proyecto de Reformas*.⁴

Carranza stated that the first reform he desired in remaking the executive branch of government was that of eliminating the legislative supremacy which was embodied in the Constitution of 1857.⁵ He observed that many of the ordinary presidential powers had been

¹ Felix F. Palavicini, *Mi Vida Revolucionaria*, Mexico, 1937, 241; Alfonso Taracena, *Mi Vida en el Vertigo de la Revolución*, Mexico, 1936, 393.

² M. Aguirre Berlanga, *Revolución y Reform. Genesis legal de la Revolución Constitucionalista*, Mexico, 1918, 107; text of election law, *ibid.*, 113-137.

³ Decree outlining need for constitutional reform in *ibid.*, 95-106.

⁴ Text in Felix F. Palavicini, *Historia de la Constitución de 1917*. Two vols., Mexico, 1938, 163-200; hereafter cited as Palavicini, *Historia*.

⁵ Palavicini, *Historia* I, 158-163, include Carranza's explanatory notes on the *Proyecto* before he presented it to the convention.

hedged with restrictions, allowing little discretion in administration. During the serious crisis in the decade following the promulgation of this constitution, these restrictions virtually forced such a president as Benito Juárez to go beyond the law in an attempt to protect the security of the nation. One of the worst features of the 1857 document, Carranza believed, was the system of indirectly electing the president through an electoral college dominated by the Congress.

Carranza then disposed of the idea of adopting a parliamentary system in these words:

What is gained from the adoption of a parliamentary government? What the parliamentarians want is nothing less than depriving the president of his governing powers so that Congress can use them through a combination of its members, called a cabinet. In other words, parliamentarism tries to secure the disappearance of the person of the president and replace him with a collective figure; and where then would be the strength of the government? It would be in the parliament and would always be clumsy and afraid of being censored at any moment. Parliamentarism is understandable in England and in Spain where it has signified a victory over the old absolute power of kings; it is understandable in France, because that nation, in spite of its republican form of government, is always influenced by her background.

It would be unwise to start experimenting with a weak government such as ours when it is so easy to strengthen and consolidate the system of a personal president which the constitution makers of 1857 left us.

In addition, the parliamentary system necessarily presupposes two or more political parties, perfectly organized and with a considerable number of members in each. We do not possess this necessary requirement and the adoption of parliamentarism would only bring chaos.

I have heard that the parliamentary system has not produced the best results in the few Latin-American states in which it has been adopted. But for me the clearest proof that parliamentarism isn't a system from which many advantages can be expected is that in the United States, where they have established in their democratic institutions the same system of the personal president as we have had, they have not considered parliamentarism, which means that they do not grant it any practical value whatsoever.⁶

Carranza proposed the elimination of the office of vice-president by stating:

The vice-president has been customary in other countries and has rendered good service. Among us, by a series of sad circumstances, it has had a bad history. Instead of securing the presidential succession in a pacific way in unexpected cases, it did not do anything but weaken the government. In fact, when this institution has been in existence, the vice-president usually was a man lacking scruples, though possessing great am-

⁶ Palavicini, *Historia* I, 158-159.

bitions. The office too often became the center of opposition to the president. . . . In the last days of Díaz, the vice-presidency was created by the *científicos* as a means to maintain themselves in power, in the event of the death of Díaz.

The system of filling vacancies in the presidency with secretaries of state, calling them to office according to the number which is given them by law, only gave the president the absolute power of designating his successor.

The system which I propose does not have any of these obstacles, because the person filling the presidential vacancy will have a truly popular origin⁷

After making these parliamentary observations, Carranza sent his *Projecto* of constitutional reform to the Congress. The sections dealing with the *Poder Ejecutivo* were studied by the Second Commission of the Congress and then, after some alterations had been made, the Commission presented its report to the Congress at large for discussion and adoption.

Deputy Manchoro Narváez, chairman of the Second Commission, presented the Commission's report to the Congress as follows:

For methods' sake, the subject of the *Poder Ejecutivo* can be divided into groups of articles which serve to establish this power; first, the election of the president, his qualifications and the taking of the position; second, the system of filling vacancies in the presidential office; third, the powers of the executive, and fourth, the establishment of auxiliary organs of the presidency.

The necessity of unity of action in the accomplishment of the functions of executive power and the execution of the acts of government has imposed in most states an individual unity in the executive office, be the government a monarchy or a republic. The oligarchies themselves have gotten a certain unity through the selection of a single officer who has assumed the more direct attributes of executive power.

In Mexico, collectivity in executive power has presented the same vices that existed in other countries and our thinking has concluded that a single executive is the most effective.

The qualifications that this officer must have must be based on a firm heritage of Mexican background and traditions. There should be the incarnation of patriotic sentiments in the president, as he is the active force of government and the highest representative of national dignity. For these reasons, the president must be Mexican born, the son of Mexican born parents and must have lived in the country at least a year previous to the day of election.

The constitutional period of office is to be left at four years, thereby following the traditions of '57. To fulfill the ideals of the revolution, there is incorporated the absolute prohibition of re-election.

⁷ Palavicini, *Historia* I, 160.

The system of filling a temporary or permanent vacancy in the presidential office has been a matter of debate during the last twelve years. It is a waste of time to discuss the small value of an office of vice-president, elected at the same time as the president. Such an office has had serious consequences in our history. There is also no need to seek any merits in the system of providing for a substitute president with a person chosen for another office, as existed by having the president of the senate or the president of the supreme court succeed to the presidency when a vacancy occurred. Also, the system of having the secretaries of state substitute when a vacancy occurs, presents the inconvenience of having the president, when choosing his secretaries, establish their order of succession, which seems hardly democratic. Thus, there appears to be no more effective way of providing for a presidential vacancy than through a new election by Congress or in its absence, by the Permanent Commission. For both cases, a two-thirds majority is needed.

The Commission felt it necessary to add to the project of the First Chief that the selection of a substitute president could be made by the Permanent Commission as well as Congress, so that the public powers would be formed as soon as possible. The Commission believed, however, that the Permanent Commission should only select a provisional president. This modification follows from the consideration that it is possible that a president selected by the Permanent Commission might serve for eight months or even a full term, and such a president would have been selected by only ten or twelve men.⁸

The Chairman pointed out further that the powers and obligations of the president established by the *Projecto* and approved by the Second Commission were in the main the same as those of the Constitution of 1857. Narváez concluded his presentation of the report by outlining the political and administrative agencies necessary for carrying out the executive power.

Chapter IV of the Commission's report made up the *Poder Ejecutivo* and included Articles 80-94. Articles 80, 81, and 82 were accepted without debate. Article 80 placed the "supreme executive power" in a single individual, while Article 81 provided for direct election of the president. The presidential qualifications were established in Article 82. The term of office was set at four years by Article 83 and the president was to take up his duties on the first day of December. The question of whether there should be the possibility of re-election was discussed rather fully. Deputy Cravioto questioned the wording of the Commission's report on Article 83, desiring to know what was meant by the phrase, "never be re-elected."⁹ Deputy Narváez replied that after a president had

⁸ *Diario de los Debates del Congreso Constituyente*, 2 vols, Mexico, 1922, I, 334-335; hereafter cited as *Diario de los Debates*.

⁹ Discussion of Article 83 in *Diario de los Debates*, II, 386-388.

served one term, he was prohibited from ever becoming president again; that this provision was to eliminate once and for all the Díaz type of president. Deputies Espinosa and Esteban Calderón stated that the principle of no re-election was undemocratic, that it deprived a good man of the right to serve his country. Deputy Escobar explained that it was best to leave the word "never" in the article as a safeguard but that the article could be amended if the country felt that a good president should be given opportunity for another term. The provision prohibiting re-election was then adopted by the Congress.

Article 84 of the Commission's report caused considerable discussion.¹⁰ It involved the whole question of how a vacancy in the presidential office was to be filled. The proposed article was presented to the Congress in the following form:

In the case of the permanent absence of the President of the Republic if said absence should occur when Congress is in session, the Congress shall form itself into an electoral college and with at least two-thirds of its members present, will nominate by secret ballot and by an absolute majority of votes the citizen who will substitute during the time of the presidential vacancy in order to fulfill and complete his term.

If the absence in the presidency occurs when Congress is not in session, the Permanent Commission will nominate a president *ad interim* who will be the executive until the Congress meets in the next period of its session and a corresponding election is held, which may select the person chosen as president *ad interim*.¹¹

Deputy Cespedes began the debate by observing that it was possible for a president to die soon after taking over his new office. In such a case, the substitute president would have nearly four years to serve. Cespedes felt rather strongly that new national elections should be held in such an eventuality.

Deputy Pérez echoed these sentiments and spoke against the granting to Congress or the Permanent Commission the power to elect a president. Such a system, he said, would create an indirect election of a president and should not be allowed unless the presidential vacancy occurred in the last two years of the term.

Deputy Truchuelo developed these ideas even further when he said:

We are trying to make a strong political power to govern the nation. If we give the power of nominating a president to Congress, we grant to Congress the chance to believe itself strong enough to intrigue against the

¹⁰ *Ibid.*, 389-397.

¹¹ Palavicini, *Historia* I, 165.

executive power. A good example of this occurred in the case of Madero: Congress was the cause of his downfall. . . . The people will not [under this proposal] directly elect a president. Federalism would be destroyed and replaced by centralism by such a system of indirect election. There would be the constant threat to the executive by Congress; Congress would be looking for some pretext to cause his resignation and nominate someone of its own choice. Our attempts to build a strong executive would be ruined by giving Congress a chance to undermine him. We must remember that not all Congresses would be in support of a president.

We must guarantee the security of the president against the Congress. To do this, we must only allow Congress the power of selecting a temporary president to serve but a few days. It would be best to provide that the legislature call new elections whenever there is more than a year left of a presidential term. We should never have one power depending on another.¹²

It was pointed out by Deputy Cabrera that if the Commission's recommendation were accepted, it would conflict with Article 81, the latter calling for a direct election of the president. Cabrera believed that if Congress chose a substitute president to fill out a period longer than two years, a new Chamber of Deputies would have been elected which might not be in sympathy with the substitute. This would create a serious impasse, said Cabrera, and might lead to a revolt by either the president or Congress.

Cabrera and the other critics were answered by Deputy Medina, who defended the proposed article as follows:

Why is Deputy Cabrera worried if the president has some opposition in parliament? Opposition is an example of good government and it is the reason why parliamentarism has so many followers in Political Science. Parliamentarism is formed by both those in power and those in the opposition, both having freedom of action. Thus, I am not afraid of what Cabrera fears.

The minorities in democratic states have rights as good as those of the majority. In England and in France, minorities in opposition serve as brakes against the majority, causing compromises and often, better government.

There is nothing wrong with Congress filling a vacancy in the presidential office. The people haven't given up their sovereignty. It can't be taken away from them if they give Congress the power to make a constitution. If Congress decides that it is best for the state to have a provisional president chosen by Congress, the democratic principle has not been invalidated.

It is true that this would create an indirect election, but an indirect election is not un-democratic. Anyway, four years in the life of a nation is nothing. . . . The legislative abuses of the past have now been eliminated and a strong executive created who can cope with Congress. Finally, the

¹² *Diario de los Debates*, II, 391-392.

frequent calling of elections upsets the people and destroys their normal life, leading to an unnatural state and possible revolutions.¹³

A vote was called and the article as proposed by the Commission was defeated by 83 votes to 59. After some further discussion, many of the ideas suggested by the deputies cited above were adopted and the completed article was accepted in the following form:

In the event of the permanent disability of the President of the Republic, if this shall occur in the first two years of the respective term, the Congress, if in session, shall forthwith act as an electoral college, and with the attendance of at least two-thirds of its total membership shall choose a President by secret ballot and by a majority vote; and the same Congress shall issue the call for Presidential elections and shall endeavor to have the date set for this event as far as possible coincide with the date of the next election of Representatives and Senators to Congress.

Should the disability of the president occur while Congress is in recess, the Permanent Committee shall forthwith designate a president *ad interim* who shall call Congress together in extraordinary session, in order that it may in turn issue the call for Presidential elections in the manner provided in the foregoing paragraph.

Should the disability of the president occur in the last two years of the respective term, the Congress, if in session, shall choose the substitute to conclude the period of the presidential term; if Congress shall not be in session the Permanent Committee shall choose a President *ad interim* and shall summon Congress in extraordinary session, in order that it may act as an electoral college and proceed to the election of the substitute president.

The president *ad interim* may be chosen by Congress as substitute President.

The citizen designated as President *ad interim* for the purpose of calling elections, in the event of the disability of the President within the first two years of the respective term, shall not be chosen in the elections held to fill such vacancy and for which he was designated.¹⁴

Articles 85, 86, 87, and 88 were accepted without debate. These articles included the following provisions: the president must terminate his period of office at the end of four years, even if the new president does not immediately take office, allowing Congress to provide an *ad interim* president as called for in Article 84; the president could not resign from office except for "grave cause" and his

¹³ *Ibid.*, 394-396.

¹⁴ H. N. Branch, "The Mexican Constitution of 1917 compared with the Constitution of 1857," *The Annals of the American Academy of Political and Social Science* (Supplement), May, 1917, 65-66. These articles were amended in 1933 in order to conform to another amendment which had extended the presidential term of office from four to six years. *Diario Oficial*, April 29, 1933.

resignation must be approved by Congress; the president was prohibited from leaving the country unless he secured Congressional approval.

Article 89 set forth the powers and duties of the president. He was to "promulgate and execute" the laws passed by Congress and to see that they were observed; he could appoint and "remove at will" all the secretaries of state, the attorney-general, governor of the Federal District, and governors of Federal Territories. Senate approval was necessary for the presidential appointment of all ministers, diplomatic agents, consuls general, colonels and other high officers of the army, navy and treasury. Though the president could "dispose of the permanent land and sea forces for the domestic safety and foreign defense" of the country, a Congressional resolution was necessary before he could declare war. Also subject to Congressional approval was the granting of letters of marque and the conduct of diplomatic negotiations and the making of treaties. Ministers and foreign envoys were to be received by the president and he could grant pardons for all offenses committed within the Federal District.

With one exception all sections of Article 89 were approved without debate. There are some discussion of section XI, which gave the president power to call Congress or either of the Houses in extraordinary session "whenever in his judgment it may be advisable."¹⁵ Deputy Cespedes opened the debate by demanding to know what would happen if Congress were not in session and the president violated the constitution. He wanted to know how Congress could be called into session in order to censure such a presidential act. Deputy López agreed with Cespedes, observing that by giving the president the power to call extraordinary sessions of Congress, Congress would be subjugated to executive dictatorship. The possibility that the president might murder someone or commit high treason when Congress was not in session was suggested by Deputy Canete.

These queries were answered in part by Deputy Macias. He emphasized the great need for a strong executive and the elimination of legislative supremacy. He urged the passage of the proposed article, citing the need for such a provision during Madero's administration. He recalled that Madero desperately needed to secure a loan but could not get the Permanent Commission to call an extraordinary session of Congress to approve it.

¹⁵ *Diario de los Debates*, II, 278-281, 340.

Deputy Narváez ended the discussion and secured favorable passage of the article after presenting this argument:

All that the opposition has brought up is the question of politics between the executive and the legislature. One of the most pressing problems of the constitution of 1857 was legislative absolutism. This led to the dictatorships of Juárez and Díaz. If we give the Permanent Commission the power to call extraordinary sessions of Congress, Congress would probably be in almost constant session. But if you want the executive to have freedom of action, you cannot let Congress stay in session all the time. Congress could not spend all its time passing laws, so it might very well invade the executive sphere for lack of something else to do.

The granting of this power to the Permanent Commission would be particularly dangerous if the president had a hostile Congress. He would be defenseless, and not desiring to be dominated, he could pursue no other course than to corrupt Congress in order to get his way.

Some have asked, what could Congress do to punish the president if he overstepped his bounds when Congress was not in session? It is not too common for a president to violate the constitution. But if he did, the Permanent Commission could quietly gather all the facts and be able to present a good case to Congress when it met in regular session. The commission probably would not do this if it hurriedly called a special Congressional session.¹⁶

There was some general discussion concerning related aspects of Articles 90–93.¹⁷ These dealt with the secretaries of state and the questions of their nomination and responsibilities. There was considerable debate as to whether the secretaries should be specifically enumerated in the constitution and what the responsibilities of the secretaries should be. The whole question of parliamentarism was raised again and discussed at some length.

Deputy Monzón wanted specifically to enumerate the executive assistants and the duties of each secretary, while Deputy Rodríguez demanded the creation of a secretary of public health. Neither of these suggestions was accepted and the discussion led to the desirability of eliminating federal control of education. Deputies Medina, Rivera, and Palavicini pointed out the past evils of the education system, emphasizing the important role politics had played in matters of public instruction. The days of Díaz were recalled, with vivid examples of political manipulation of teachers and education to further the aims of the *Científicos* and to propagandize the whole Díaz regime.

¹⁶ *Ibid.*, 279–280.

¹⁷ *Ibid.*, 401–408, 411–435, 550.

Deputy Jara wanted to create a secretary of labor and a secretary of the navy, and also to have the duties and powers of the *Secretaría de Gobernación* strictly limited. This last suggestion was imperative, he believed, because this secretariat had been a center of graft and intrigue, particularly during the governments of Díaz and Madero, and had been responsible for the increasing trend toward centralization in government.

Again, the sentiment of the Congress was not in favor of specifically enumerating secretariats and powers, and it was decided to leave the whole matter to the next Congress as a piece of ordinary legislation.

During the discussion on the nomination and removal of secretaries, Deputy Majárrez tried to reintroduce parliamentarism by making the secretaries responsible to Congress. Deputy Pastrana Jaines immediately took issue with such a proposal, as follows:

We will never be able to have parliamentary government in Mexico. The legislature has now been tied down and can never be an aggressive one. We must not strengthen it and split the internal harmony of the executive branch of government by having presidential appointments responsible to someone else. . . . It might be best to have the secretaries nominated by Congress and made responsible for their acts but we have not had the background, the experience and the necessary political parties to make such a system work.¹⁸

Deputies Herrera, Martínez de Escobar, Ugarte and Pintado Sánchez agreed with Pastrana Jaines, pointing out that the adoption of some of these ideas of parliamentarism would only create a "half-breed" organization and would not only hinder the freedom of action of the president, but would wreck the entire presidential system which the Congress was trying to create.

Despite the rather extensive and detailed discussion, the Commission's report was accepted substantially as presented. Article 90 permitted the Congress to establish as many secretariats and departments as it deemed necessary, while Article 91 required Mexican citizenship by birth and a minimum age of thirty years for all secretaries. According to Article 92, all regulations, decrees, and orders of the president were to be signed by the secretary concerned. All such regulations that pertained to the Federal District were to be sent directly by the president to the governor of the Federal District. By Article 93 each secretary was required to make an annual report to

¹⁸ *Ibid.*, 401-402.

Congress on the state of his secretariat. Article 73, section XVI, 1, created a public health service which was to "depend directly upon the president of the Republic, without the intervention of any executive department, and its general provisions shall be binding throughout the Republic."

The Commission's report on Article 96 called for presidential advice in the selection of the judiciary by Congress. Deputies Escobar and Herrera argued strongly against permitting the president to intervene in judicial matters of any nature.¹⁹ Escobar observed that up to the present the judiciary had never been independent and had always been subject to political pressure from the president and the proposal of the Commission would continue to permit such executive interference. These arguments were persuasive, and in its final form Article 96 contained no mention of presidential concurrence in judicial appointments.²⁰

No opposition interfered with the adoption of Article 108, which made the executive secretaries and the attorney general liable "for all common offenses committed during their term of office, as well as for all official offenses or acts of commission or omission which they may incur in the discharge of their duties." The president was made liable for impeachment "during his term of office for high treason and common offenses of a serious character."

The relationship between the legislative and executive branches of government were specifically enumerated and certified by the Convention with little discussion. Article 67 described in detail the method by which the president could call extraordinary sessions of Congress; Article 68 allowed the president to decide in the case of disagreement between the houses of Congress just when, where, and in what manner each house was to meet. In Article 69, the president was required to attend the opening of the annual session of Congress and report in writing on the state of the nation. If both Houses of Congress could not agree on the date of adjournment, the executive, according to Article 66, was to make the final decision. When an extraordinary session had been called, the president was required to attend the opening session and give his reasons for calling it. The right to initiate legislation was given to the president by Article 71, while Article 72 granted veto power to the executive.

¹⁹ *Ibid.*, 302-305.

²⁰ However, in 1928, this article was amended and the president given the power to nominate the members of the Supreme Court as originally proposed by Carranza.

His veto could be overridden by a two-thirds majority of both Houses of Congress. The same article prohibited the president from interfering in the resolutions of Congress when it was sitting as an electoral body or a grand jury. Article 73 provided for an annual Congressional audit of all accounts submitted by the president. Article 76 gave the president the power of presenting three names to the Senate, when that body had declared the disappearance of the constitutional powers of a state and was proceeding to select a provisional governor for the state. The selection was to come from the president's *terna* (three names).

Article 27 interjected the president directly into the economic life of the nation. Section IV made it mandatory for commercial stock companies in developing "manufacturing, mining, petroleum or other industries, excepting only agricultural industries" to hold or administer only those areas which have been determined or approved by the "executive of the union or of the respective state." Section VII, part (f) of the same article gave the president the power to declare null and void "all contracts and concessions made by former governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the nation by a single individual or corporation—which seriously prejudice the public interest."

Article 33 presented the president with an additional duty and power, as follows:

. . . . the executive shall have the exclusive right to expel from the Republic forthwith, and without judicial process, any foreigner whose presence he may deem inexpedient.

There was no debate or discussion on Article 29, which gave the president power to suspend constitutional guarantees in order to meet "cases of invasion, grave disturbances of the public peace or any other emergency which may place society in grave danger or conflict." Such a suspension must have the concurrent approval of "the Council of Ministers" and Congress. This was the only reference to the cabinet throughout the constitution, and it recognized the "Council of Ministers" as an actual entity. Congress could also grant the executive whatever powers it felt were necessary to meet a situation.

Article 49, in establishing a separation of governmental powers, was specifically attached to Article 29 by providing that "two or more

of these powers shall never be united in one person or corporation, nor shall the legislative power be vested in one individual except in the case of extraordinary powers granted to the executive, in accordance with the provisions of Article 29." Only one prophetic dissenter in Congress rose to object to this article. Deputy Fajardo stated:

There is a contradiction in Article 49, because two powers are joined in one under the conditions set forth in Article 29. . . . I do not think that Congress wants to delegate its functions to the executive, no matter what the circumstances might be. You can grant the executive some extraordinary powers but you cannot admit constitutionally that the executive can assume two powers. If you join them both, you sanction dictatorship. There is no necessity for Article 49 if there are no obstacles set up in the legislative power.

There are even more extraordinary powers given to the president in Article 29 than there were in the Constitution of 1857. Juárez, our best president, ruled by extraordinary powers and never by the Constitution. From 1860 until 1867 Juárez had extraordinary powers and Congress didn't set any other limitation than saving the national independence and integrity, the republican form of government and maintenance of the laws of reform. Juárez complied with this, but will we have many like him? Will the people give Congress the power to delegate their legislative powers to a sole person?²¹

But Deputy Narváez answered Fajardo and gained approval for Article 49 by stating:

The only thing we can do is accept Article 49 because Article 29 is already approved. Let us examine Article 29 to determine when two powers might be joined together. The president has legislative power under Article 29 when there is a grave situation. If the constitutional guarantees are suspended, an army general could catch a bandit and try him by courtmartial and execute the sentence, instead of proceeding with the ordinary judicial process. By administrative authority granted to the executive in the form of military control, there would be a vague joining of the executive and judicial powers into one.

Thus, it would seem that Article 29 established the union of two powers in one for certain varied and limited cases. But Article 49 is only the result of Article 29. It does not grant any new powers but puts what was stated in Article 29 on a safe basis.

There is no reason or justification for Fajardo's objection, as Article 29 has been adopted already and he should have brought up his argument when Article 29 was under discussion.²²

²¹ *Diario de los Debates*, II, 405-406.

²² *Ibid.*, 407.

Article 49 then was accepted as proposed and the way was paved for just such dictatorial usurpation of power by the executive as Deputy Fajardo feared.

The adoption of these constitutional provisions completely remade the 1857 executive and eliminated the supremacy of the legislative branch of government. This appears to have been the dominant theme at Querétaro as far as the sections devoted to the chief executive were concerned, and followed the request of Carranza contained in his *Projecto* outlining the need for a new constitution. At the same time, although considerably more isolated in nature, were the warnings against granting too much power to the president without adequate constitutional, legislative, and judicial checks on his authority. The Constitution of 1857 unwisely had given the national Congress such a hold on the president that he, in order to defend himself, particularly during times of emergency, had been forced to ignore strict observance of the constitutional norm in order to gain legislative acceptance of his policies.²³ But in reversing the constitutional position of the president, the delegates at Querétaro virtually guaranteed, with relatively little thought or discussion, executive dictatorship in varying forms.

The Constitution of 1917 placed tremendous power and responsibility in the hands of the president. It is true that the *constituyentes* were *Carrancistas* intent upon pleasing their chief and desirous of granting him "omnipotence and unlimited power."²⁴ It is also true that Carranza and others recognized the fallacy of legislative domination provided by the 1857 Constitution and sought to eliminate those provisions which had brought such unfortunate results. But in guaranteeing a strong presidential system, based in a large part upon the model of the United States, Querétaro ignored the governmental subtleties included in and required by that model. There had been no previous experience with judicial review and no aspect of this governmental check was instituted or requested. The sporadic demands for the adoption of features of parliamentary government were indicative that there was some vague feeling of the need for a working balance between the executive and legislative branches operating through the necessary checks and balances. Undoubtedly the

²³ See Ricardo García Granados, *El Problema de la Organización Política de México*, Mexico, 1909, 27-30, and Emilio Rabasa, *La Organización Política de México*, Madrid, 1917, 203-204.

²⁴ Manuel Calero, *Un Decenio de Política Mexicana*, New York, 1920, 85.

uneasiness over the strong president they were creating felt by a number of delegates was crystallized in the defeat of the official proposal for presidential succession. Such fears also were involved in the protest against the inability of Congress to call itself into special session, in the event of a natural emergency or an illegal act of the president. It is ironic that in the official reply to this criticism, Deputy Narváez observed in passing that "it was not too common [for a president of Mexico] to violate the Constitution!" But there were no protests in the adoption of Article 27 which, without limitation, directly injected the chief executive into the economic and social life of the country and, as one outspoken critic (not at Querétaro) noted at the time, "all enterprises are now at the mercy of the executive. . . . The immediate success and future development of industrial enterprises is dependent upon the arbitrary judgement of the executive and his dependent governors."²⁵

Without debate, provisions were inserted in the Constitution of 1917 in order to strengthen the position of the national executive which, in effect, have weakened the federal structure of government.²⁶ In addition to a wide range of legislative power,²⁷ federal authorities were granted a large measure of control over state governments. Should the president determine that a law passed by a state legislature is unconstitutional, he may proceed to have it removed from the statute books by his personal directive, or he can act through the federal Senate.²⁸

As the highest official exercising "supreme executive power," and as the chief of administration, the president of Mexico, upon entering office, swears to "defend and enforce the Constitution—and the laws arising thereunder." Inasmuch as Mexico is, according to Article 40 of the Constitution, "a democratic, representative republic, with individual state governments based on popular

²⁵ Jorge Vera Estánol, *Al Margen de la Constitución*, Los Angeles, 1919, 132, 135.

²⁶ The only protest at Querétaro against the encroachment of centralism upon the federal system in Mexico came in connection with the debate over presidential succession. Deputy Truchuelo observed that "federalism would be destroyed and replaced by centralism by such a system of indirect election." *Diario de los Debates*, II, 392.

²⁷ For example, exclusive legislative power over such matters as labor, agriculture, commerce, mining, and credit institutions belongs to the national Congress.

²⁸ See Odilon Ramírez Pelayo, *Necesidad de reglamentar la fracción V del Artículo 76 Constitucional en materia de desaparición de poderes de las entidades federativas*, Mexico, 1944, 51-100.

sovereignty," the president, by his affirmation of his oath of office, must defend and uphold the democratic, republican features of the Constitution and the laws stemming therefrom. Since there is no definition of what a democratic republic actually is, or what is meant by popular sovereignty in the states, Mexican presidents under the 1917 Constitution, acting through the *Secretaría de Gobernación*, have taken it upon themselves to define these terms, interpreting them and judging whether certain laws and institutions met their personally determined standards.

The method of presidential intervention in the states to uphold the laws of the land, takes the form of a zone commander of the Army standing ready to force a state legislature to rescind a faulty piece of legislation. Or the zone commander can stand by to see that "republican institutions" are upheld at election time or in some crisis or emergency.

The second method of presidential intervention in state affairs involves the federal Senate as the co-conspirator, working under Article 76 of the Constitution. By this article, the Senate is given the power to declare that the constitutional powers of any state have disappeared as the result of some political act. As the consequence of such an act, the Senate orders the removal of the governor, and selects a provisional-governor by a two-thirds vote from a list of three names (*terna*) proposed by the president. The provisional governor then calls new elections. The Senate also is empowered to adjust all political questions arising "between the powers of a state whenever one of them shall appeal to the Senate," or an uprising resulting from such differences. In addition, if a state legislature or a governor so requests, the president is empowered, according to Article 22 of the Constitution, to intervene in an internal disturbance occurring in the state.

Though the Senate is the final authority in removing a state governor from office, there are earlier steps taken which lead to this final act and involves the commanding position of the *Secretaría de Gobernación*. The vast power of *Gobernación*,²⁹ without the

²⁹ The *Secretaría de Gobernación* is one of the major sources of presidential power. It is the central core of administration, expediting all relations between the president, the Congress, and the judiciary. It is an important bill-drafting agency, enforces the election laws, and supervises the religious affairs of the nation. Frequently, this secretariat drafts and executes expropriation orders. See *Reglamento de la ley Secretaría y Departamento de Estado*, in *Diario Oficial*, January 2, 1947.

checks demanded by Deputy Jara at Querétaro, includes the supervision of subjects known as *relaciones exteriores*, referring in particular to conflicts between state officials and in state elections. The *Secretaría* receives all complaints from the states concerning political matters, and their information is supplemented by reports made by his investigative representatives. *Gobernación* attempts to and does settle a number of such problems. However, should the *Secretaría* be unable to settle a particular matter, at the direction of the president, he turns over all his information, findings, and recommendations to the Senate. Since there is no regulatory law on the subject, the Senate customarily waits until the matter is referred to it by *Gobernación*. The Senate then proceeds to decide the case on the advice of *Gobernación* and has always handed down its decisions on this basis. The practice of presidential intervention in state elections began with Calles and reached its peak in 1935 and 1936, when Cárdenas eliminated all the *Callista* governors.³⁰

More prophetic than his colleagues was Deputy Fajardo, who objected at Querétaro to the legislative power granted to the president in Articles 29 and 49 to contend with a grave national emergency. It so happens that by the time the constituent congress met at Querétaro in 1916, the policy by which Congress had granted the president extraordinary powers to legislate in peacetime or in the absence of an emergency without the necessary suspension of constitutional guarantees had been firmly established.³¹ Further evidence of the recognition of such a practice can be gathered from the special reference made by Carranza to the situation in his proposals for the new constitution. He emphasized that the fundamental principle of separation of powers called for in the Constitution of 1857 was never fully in operation. It lost all positive value due to the fact that in practice, the president monopolized all power. The most extreme violation of the principle developed as a result of Congress granting the President the power to legislate on all types of questions.³² Nevertheless, Article 29 was adopted without debate in substantially the same form as it had appeared in 1857. Only Deputy

³⁰ The removal of state governors of Cárdenas is described in Eduardo J. Correa, *El Balance del Cardenismo*, Mexico 1941, pp. 75-87. Intervention in sixteen gubernatorial elections was noted by the *Secretario de Gobernación* in his *Memoria . . . de Setiembre de 1936 a Agosto de 1937*, 30.

³¹ Gabino Fraga, *Derecho Administrativo*, Mexico, 1948, 4th ed., 116-120.

³² *Diario de los Debates*, I, 261.

Fajardo disputed Article 49 and, in so doing, cast doubts on Article 29.³³

In this light, it would seem almost incredible that but a few days after he had promulgated the new constitution, Carranza asked for and secured a grant of extraordinary power from Congress on May 8, 1917.³⁴ He thereby established the precedent under the Constitution of 1917 for legislating by executive decree.³⁵ Most of the important legislation from 1920 until 1938 was done by executive decrees stemming from grants of extraordinary powers authorized by Congress, without the existence of a national emergency or a suspension of the constitutional guarantees.³⁶

Thirty-seven years have passed since the convention at Querétaro ended its labors. During this period the Mexican nation has been confronted with innumerable governmental problems, many of which can be traced to the 1917 Constitution. In no sense is this document a faulty one in that it contains in itself unworkable provisions as gauged by the yardstick of the political scientist. In many respects, taken as a whole, the Mexican Constitution of 1917 is a truly remarkable modern document. But, as is so frequent in

³³ Article 49 of the 1917 Constitution duplicated the exact wording of Article 50 of 1857 but added one sentence. After prohibiting the union of two or more powers in one person, it provides that the legislative power cannot be placed in the hands of one individual, "except in the case of extraordinary powers granted to the executive in accordance with the provisions of Article 29." Thus, the principle of separation of powers can be altered when, according to Article 29, "in cases of invasion, grave disturbance of the public peace, or any other emergency which may place society in grave danger or conflict," the president, with the concurrence of his cabinet, asks for and receives from Congress the power to suspend constitutional guarantees throughout the nation. When Congress gives the president such authority, it "shall grant such powers as in his judgment the executive may need to meet the situation." This section of Article 29 is referring to the extraordinary powers mentioned in Article 49 by which the president can legislate by issuing executive decrees. Such a legislative delegation must be specified and have a time limit placed upon it. Also, the granting of such powers can only be made by Congress, as Article 29 states: "If the suspension occurs while Congress is in session, this body shall grant such powers to meet the situation; if the suspension occurs while the Congress is in recess, the Congress shall be convoked forthwith for the granting of such powers."

³⁴ Decree in *Diario Oficial*, May 8, 1917, and in Mariano Salas, *defensa de México*, Mexico, 1920, 68.

³⁵ "This provision permits the President to tax the country without asking the consent of Congress, to put people in jail without a trial, and to be, in short, a veritable tyrant," Ramón Beteta, "The Government of Mexico," *Lectures Before the Inter-American Institute*, Claremont, California, 1929, 8.

³⁶ For an extended treatment of this problem, see the author's, "The Development and Use of *Facultades Extraordinarias* in Mexico," *South-western Social Science Quarterly*, December, 1953, 17-33.

Latin America, this constitution, particularly its sections dealing with executive power, is anticipatory, based not upon reality but upon what ought to be.³⁷ It was not the product of long debate rooted in a solidified public opinion. Most of the provisions covering presidential powers were either not debated at all or discussed in a rather hap-hazard fashion. Those few who rose to object to certain features and warned against granting too much executive authority, were indeed prophetic. Possibly the delegates believed that the high principles of the revolution would be a sufficient check upon future leaders and would govern their conduct. But, in the last analysis, neither high principles nor constitutional provisions alone can provide a democratic system unless the citizens are prepared through tradition and understanding for the democratic process. As Viscount Bryce observed some time ago, "Do not give to a people institutions for which it is unripe in the simple faith that the tool will give skill to the workman's hand."

STEPHEN S. GOODSPEED

University of California
Santa Barbara College

³⁷ In this connection, see Russell N. Fitzgibbon, "Constitutional Development in Latin America; A Synthesis," *American Political Science Review*, Vol. XXXIX, No. 2 (June 1943), 521-522.

Sandino: Death and Aftermath

On January 25, 1933, a few weeks after the last United States Marines left Nicaragua, Augusto César Sandino announced his intention to end his war against foreign intervention and General Anastasio Somoza's *Guardia Nacional*.¹ In the face of danger from the "non-partisan" (National Guard), Sandino came to Managua on February 2, and negotiated a Peace Pact with the new President. The *Sandinistas* were granted a generous amnesty, land for a communal project, and preference in employment in public works projects, while Sandino was given the right to retain for one year a personal guard of one hundred men as government "auxiliaries."² He now declared that he had "nothing against North Americans" as long as they came to Nicaragua "as workers, not as bosses."³ Although Sandino had serious misgivings regarding the role of General Somoza in the government of President Juan B. Sacasa, he was comforted by the belief that his agreement with Sacasa had prevented the chief of the *Guardia* from usurping the authority of the new government.⁴

Somoza made no attempt to conceal his dissatisfaction with Sacasa's concessions to Sandino⁵ and reflected the resentment of his kinsman, the ex-President, José María Moncada, whose hatred of Sandino was accentuated by the frustration of four years of bitter warfare to exterminate the "bandit."⁶ Thus a few days after

¹ *New York Times*, January 26, 1932; Ramón Belausteguigoitia, *Con Sandino en Nicaragua, la hora de la paz*, Madrid, 1934, 38-39.

² See report by Matthew Hanna, Minister in Nicaragua, to the Secretary of State, February 3, 1933, in Archives of the Department of State, 817.00/Bandit Activities, hereafter cited as ADS. The author is grateful to the Division of Historical Policy Research of the Department of State for its cooperation in enabling him to work with the materials in the Archives of the Department of State.

³ "Nicaragua: Sandino Presents Arms," *Time*, XXII (February 13, 1933), 18; *New York Times*, February 4, 1933; *Literary Digest*, CXV (February 18, 1933), 8.

⁴ Belausteguigoitia, *op. cit.*, 11, 89, 139. Somoza was said to have owed his position as head of the *Guardia*, a combination police force and militia, to Hanna: "I'm the Champ," *Time*, LII (November 15, 1943), 43. As early as December, 1932, Sandino's spokesman, Salomón de la Selva, warned that only peace between the *Sandinistas* and Sacasa could frustrate the dictatorial ambitions of Somoza. *New York Times*, December 4, 1932.

⁵ Hanna to Secretary of State, February 6, 1933, ADS. Many shared Somoza's misgivings. Cf. *Correo Nacional* (San José), March 4, 1933.

⁶ Hanna had great difficulty restraining Moncada from taking the field personally against Sandino. See dispatches of Hanna to Secretary of State, November 1-16, 1932, ADS.

the final conclusion of the peace, Somoza told the American Minister that the *Guardia* "was keen to exterminate Sandino by force" because it was convinced that the pact with Sandino was a mistake.⁷ Meanwhile Sacasa's attempt to prevent trouble by curbing the Commander's authority merely provoked a crisis with Somoza.⁸ The Commander's near defiance of Sacasa constrained the American Minister, Matthew Hanna, to advise General Somoza to maintain an attitude of "unquestionable subordination" toward the President "regardless of the . . . annoyance that doing so may give him."⁹ Yet, even Hanna had misgivings regarding the peace because so many in the government doubted Sandino's sincerity and feared his auxiliary force.¹⁰ The first flush of enthusiasm over Sandino's cessation of hostilities was quickly replaced by a feeling that the peace was imperfect and incomplete.

Meanwhile, Sandino returned to San Rafael del Norte on February 7, and ordered his followers to disarm.¹¹ A day later, the Executive Delegate, Sofonías Salvatierra, arrived with funds and equipment for the *Sandinistas* to inaugurate their communal project. Somoza placed a *Guardia* detachment at the disposal of the Executive Delegate to supervise disarmament proceedings with instructions to avoid any trouble with the *Sandinistas*.¹² But in the days that followed, Somoza accused Salvatierra of being partial to the *Sandinistas* and tolerating provocations against the *Guardia* detachment.¹³

In spite of Somoza's complaints, the Nicaraguan Congress voted an amnesty on February 16 for all who had fought with Sandino since May 4, 1928, and who now agreed to disarm. When Salvatierra informed the government five days later that the disarmament proceedings were complete,¹⁴ Sandino celebrated the occasion with

⁷ *Ibid.*, February 6, 1933. In January, Somoza had enlisted some 1,250 irregulars for the campaign against Sandino.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Anastacio Somoza, *El Verdadero Sandino o El Calvario de las Segovias*, Managua, 1936, 458-460. Although this work is an *apología* for Somoza's actions during 1933-1934, it contains much of the correspondence of Sandino and his collaborators but it must be used with caution; it will be cited hereafter as Somoza.

¹² General Somoza to Col. Rigoberto Reyes, February 10, 1933. Somoza, 461.

¹³ *Ibid.*, 463-465. Somoza later wrote that Salvatierra's attempt to make himself popular with Sandino was responsible for the imperfect disarmament of the guerrilla force. *Ibid.*, 467.

¹⁴ Sofonías Salvatierra to President Sacasa, February 21, 1933. *Ibid.*, 477.

a "victory" parade in San Rafael which embittered the *Guardia*. What further irritated Somoza was Sacasa's appointment of the *Sandinista* partisan, Horacio Portocarrero, to succeed Salvatierra as the Executive Delegate in Sandino's cooperative settlement at Wiwilí on the Rio Coco.

Sacasa's sincerity did not diminish Sandino's fear of the *Guardia*. Nor was he confident that the withdrawal of the United States marines was permanent. He believed that the *Sandinistas* must keep themselves ready to defend "'Nicaragua's political and economic independence'" and protect themselves against an ever vengeful *Guardia*.¹⁵ Sandino now hoped to accomplish "the effective independence of Nicaragua" by the creation of a new political party which would be independent of the effete Liberals and Conservatives. This vision attracted to Sandino professional politicians who were determined to use his name and fame for their own purposes.¹⁶ Although they cleverly chided him for negotiating a "'shameful'" peace and urged him to be stubborn in his dealings with the government, Sandino refused to be stampeded into any precipitate action.¹⁷ He defended his peace with the government by arguing that it had been negotiated by Sacasa "'against the will of the State Department . . .'" and that the threat of American imperialism made it imperative that he, Sandino, should not "'commit suicide by being stubborn.'"¹⁸

In late April, 1933, the Nicaraguan press published "rumors" of Sandino's plans to form a "National Labor Party" in collaboration with ex-President Bartolemé Martínez.¹⁹ Sacasa immediately attempted to appease the *Sandinistas* with the dispatch of a large quantity of foodstuffs for the Rio Coco Cooperative and invited Sandino to visit the capital at his earliest convenience. But in his meeting with Sandino in Managua on May 20,²⁰ the President failed to convince the *caudillo* that the formation of a third party was "inopportune" and unnecessary. Although Sandino publicly promised to continue his "moral support"²¹ of the administration, he firmly declared his intention to rally the "'workers, students and the

¹⁵ Sandino to Señora Lidia de Barahona, March 15, 1933. *Ibid.*, 481.

¹⁶ Dr. Norberto Salinas de Aguilar to Dr. Escolástico Lara, April 9, 1933. *Ibid.*, 483-484.

¹⁷ Dr. Humberto de Barahona to Sandino, April 15, 1933. *Ibid.*, 485. Dr. Barahona wrote from the safe sanctuary of Costa Rica.

¹⁸ Sandino to Barahona, May 27, 1933. *Ibid.*, 485-486.

¹⁹ *New York Times*, April 29, 1933.

²⁰ *Ibid.*, May 21, 1933.

²¹ *Ibid.*, May 24, 1933.

great mass of rural people'” in an “‘Autonomist Party’” which would make the “‘professional *políticos* tremble . . . [for] their ration which gives them their character.’”²²

The Liberal and Conservative party organs quickly took up the challenge by cruelly ridiculing Sandino's naiveté with some allusions to his lack of mental capacity “to assimilate fundamental ideas”²³ Sandino, certain that these attacks were inspired by Somoza and the *Guardia*, issued a proclamation declaring the *Guardia Nacional* unconstitutional and urging the President to arm the people.²⁴ In spite of Sacasa's assurances, Sandino had left Managua with the conviction that “‘The *Guardia Nacional* is an enemy of the Government . . . because it [considers itself] superior to the Government’”²⁵

Even before his parley with the President, Sandino suspected that Somoza had forced Sacasa to approve the dispatch of a *Guardia* radio unit ordering it to watch the headquarters of the Auxiliary Force at Santa Cruz.²⁶ Sandino countered this move by appointing the notorious outlaw, Pedro Altamirano, as his “personal representative” in nearby Bocay. To head off a clash, Sacasa frantically telegraphed Sandino to explain that he had ordered this move by the *Guardia* on his own initiative and to assure the *caudillo* that: “‘There is no danger that the *Guardia* will turn against the [Auxiliary Force], because the *Guardia Nacional* has my special instructions to consider [the Auxiliaries] an integral part of the National Army. . . .’”²⁷ But neither these pledges nor another conference with the President on May 20 allayed Sandino's fears or dissuaded him from his political project. He was now even more determined to establish a party dedicated to liberating the republic from the influence of the *Guardia*.

The death of his wife, Blanca, on June 2, 1933, following his return to San Rafael del Norte, aggravated Sandino's anxiety and ever-present sense of fatalism. It was at this time that Dr. Escolástico Lara reported to Sandino a meeting with Vicente Lombardo

²² General Francisco Estrada to Enrique Rivera Beltán, May 30, 1933. Somoza, 498.

²³ *La Prensa* (Managua), June 8, 1933.

²⁴ *New York Times*, June 23, 1933. This proclamation was virtually ignored by the Nicaraguan press.

²⁵ Sandino to General Francisco Estrada, May 24, 1933. Somoza, 494-495.

²⁶ Circular letter from Sandino to his lieutenants on May 2, 1933. *Ibid.*, 490-491.

²⁷ Sacasa to Sandino, May 13, 1933. *Ibid.*, 494.

Toledano, chief of the Mexican delegation to the Ibero-American Congress at San José, Costa Rica, in which the leftist labor leader offered to help Sandino create a new party if he could clearly define his objectives and join a "defensive league" against American imperialism. Lara urged Sandino to accept the proposal because of the support that Toledano promised in "'the future elections, and at any time if the circumstances demand it.'"²⁸ At the same time, Lara warned Sandino against the professional politicians who would destroy his movement and his person if it served their purpose, and implored Sandino to repudiate Sacasa as a puppet of the traditional parties and the United States.²⁹

Lara was determined to spur Sandino into action and urged the journalist, Norberto Salinas de Aguilar, to join him in committing the *caudillo* to a definite political program.³⁰ While Aguilar was exhibiting a reluctance to comply with Lara's request, Sandino elaborated on the objectives of his new party and intensified his attack on the *Guardia*. In an article written for an Argentine journal, Sandino declared that the objective of his "'growing'" Autonomist Party was the restoration of the nation's "'political and economic independence'" which the *Guardia* was endangering by violating the Peace Pact and by its refusal to uphold the Constitution.³¹ He charged that the *Guardia Nacional* was a tool of the American Department of State operated "'by the finger of the North American Minister in Managua,'"³² and pledged to prevent the subjection of Nicaragua to the dictatorship of "'an army of irresponsibles about to become lawless.'"³³ Sandino warned that he and his auxiliaries faced certain "assassination" at the hands of the *Guardia* if disarmed by the Government.³⁴ Under these circumstances, President Sacasa was obligated to arm the "'civilian population of the Republic'" because "'It is not proper for men who consider themselves free, to bend before an army which is . . . lawless.'"³⁵

²⁸ Dr. Escolástico Lara to Sandino, June 13, 1933. *Ibid.*, 502.

²⁹ Lara specifically referred to Dr. Rodolfo Espinosa who is alleged to have proposed a plan to the American Minister in Managua for the end of Sandino's "interference" in the Nicaraguan government. *Ibid.*, 503.

³⁰ Lara was, however, careful to request Aguilar not to take a notion to leave for Costa Rica without giving him at least a day's notice. Lara to Dr. Norberto Salinas de Aguilar, June 5, 1933. *Ibid.*, 504.

³¹ Somoza avers that the journalist Joaquín Trincado was the real author of the article. Cf. Augusto C. Sandino, "Timid Nicaragua," *La Balanza* (Buenos Aires), August 15, 1933, cited in *Ibid.*, 506-507.

³² *Ibid.*, 508.

³³ *Ibid.*, 508-509.

³⁴ *Ibid.*, 507.

³⁵ *Ibid.*, 508.

Escolástico Lara and Sandino now proceeded to establish a "Secret Postal Agency" to escape the vigilance of the *Guardia* and entrusted its operations to the most reliable elements of their group. While the *caudillo* remained in the interior, Lara and Aguilar "continued to prepare the land" and tried to discourage Sandino from dealings with the "youngsters" of the Liberal Republican group in Managua.³⁶ The more politically experienced Lara did not believe that the new *Sandinista* movement was ready to challenge the *Guardia* openly and therefore he cautiously rejected Sandino's offer to name him the official chief of the Autonomist Party.³⁷ He did not wish to endanger his person or position in an uncalculated risk and, for the time being, preferred to lie low. Thus, on June 20, 1933, Lara wrote to Sandino at Bocay attributing his lack of political activity to the unsettled political situation in Managua but reiterating his intention to rally all interested persons in the party *with Sandino as chief*. Lara again urged Sandino to make a ringing *pronunciamiento*,³⁸ but any element of surprise which might have resulted from such a declaration was dispelled by the *Guardia's* knowledge of the secret correspondence and Somoza's identification of Sandino's and Lara's collaborators.³⁹ Yet Somoza took no steps to crush the new *Sandinista* movement at this time because of the popularity of its leader and the decided reluctance of the President to precipitate an armed conflict.

The *Guardia's* attack in late July on Sandino's lieutenant, Altamirano,⁴⁰ whose wanton cruelty verged on the psychopathic,⁴¹ together with a mysterious explosion in the arsenal of the *Campo de Marte* in Managua soon after, caused Sacasa to declare a state of seige in the Republic. The President, fearing a *coup d'état* by the *Guardia*, wired Sandino to alert his auxiliaries for any emergency.⁴² Sandino responded with the mobilization of 600 men and a public announcement of his readiness to fight to defend

³⁶ Lara to Sandino, June 18, 1933. *Ibid.*, 510-512.

³⁷ *Ibid.*, 512.

³⁸ Lara to Sandino, June 20, 1933. *Ibid.*, 513.

³⁹ The *Guardia* had intercepted a communication from the *Sandinista* publicist, Alemán Bolaños, to one Sergio Ignatoff, dated July 10, 1933, declaring that "Sandino prepares a campaign for the year 1934 to complete the liberation of his *Patria*." *Ibid.*, 517.

⁴⁰ *New York Times*, July 27, 1933; Hanna to the Secretary of State, July 28, 1933, ADS.

⁴¹ Cf. Willard L. Beaulac, *Career Ambassador*, New York, 1951, 115.

⁴² Sacasa to Sandino (teleg.), August 2, 1933. Somoza, 520. Sacasa's suspicions were perhaps aroused by the fact that Somoza had left his office at the camp only a few minutes before the explosion. *New York Times*, August 3, 1933.

Sacasa against " 'the enemies of Nicaragua.' "43 It was well apparent to Somoza that Sandino suspected that the accident at the *Campo de Marte* was a part of an abortive plot of the *Guardia* to seize the government.⁴⁴

The events of late July and August convinced Sandino that the time had come to act. He now proceeded to formulate a declaration which would outline the objectives of the Autonomist Party, secure the support of Toledano, and revive the dream of Central American unity. On August 16, four days after Sacasa ended the state of siege,⁴⁵ Sandino issued the "Supreme Proclamation for the Union of Central America," outlining an ambitious project for a federal union with his Autonomist Party as the driving force.⁴⁶ Although the Executive Power of the " 'Republic of Central America' " was to consist of a rotating Presidency and four Governor-Intendants to administer the governments of the five member states, the " 'Autonomist Force of Central America' " was to be entrusted with the task of drawing up a constitution which would forever end foreign concessions and political intrigues, and save the dignity of the " 'Indo-Hispanic race' " from the " 'bankers of Wall Street' " by the abolition of the Monroe Doctrine.⁴⁷

The " 'Proclamation' " was followed by a declaration⁴⁸ of the " 'Rules of the Autonomist Force of Central America' " in which Sandino announced his intention to serve as " 'Supreme Chief' " of its military " 'institution.' " This body was to be recruited from volunteers of both sexes in the proposed federation and dedicated to oppose " 'the present and future acts of the Monroe Doctrine' " and to abolish all existing treaties between the Central American Republics and the United States. Local " 'intendants' " or *jefes* would be charged with the defense of the peasantry against the rapacity of " 'the friends of rich capitalists and foreigners' " and the liquidation of the latter's power. He pledged the Autonomist Force to cooperation with all Indo-Hispanic nations and peoples of the world who were working for the same " 'emancipation and universal fraternity' " which the *Sandinista* movement had espoused against American imperialism during the years 1927-1933.⁴⁹

43 Sandino to President Sacasa, August 7, 1933. Somoza, 521.

44 See Somoza's statement in *Ibid.*, 522.

45 *New York Times*, August 13, 1933.

46 See "Proclamation" as printed verbatim in Somoza, 523-524.

47 *Ibid.*, 525-526.

48 August 18, 1933. *Ibid.*, 527.

49 *Ibid.*, 528-530.

Sacasa was profoundly shaken by Sandino's proclamations but vacillated between a policy of appeasement and a policy of firmness. He refused to furnish any arms to Sandino's auxiliaries, but explained that his decision was not motivated by the fear that Sandino would use them unwisely.⁵⁰ In response to Sandino's demands for the restriction of the *Guardia's* power, the President replied that this problem was in the hands of the Congress and reminded the *caudillo* that the *Guardia* was necessary for the maintenance of peace in the Republic. At the same time he assured Sandino that he would personally do everything to prevent any differences between the *Sandinistas* and the *Guardia*.⁵¹

On August 23, immediately after the President's message to Sandino, a clash between the *Guardia* and *Sandinista* auxiliaries at Las Vegas caused Sacasa to intervene with a promise to restrain the *Guardia* and a plea to Sandino to deplore the incident.⁵² To assuage Somoza, the President issued a statement to the press clearing all political groups of blame for the recent blast in the military arsenal.⁵³ But in spite of Sacasa's efforts to pour oil over the troubled waters, the tension between the *Sandinistas* and the *Guardia* continued to mount during the months of September and October.⁵⁴ The President's acceptance of a loan from the United States elicited a strong protest from Sandino and caused him to journey to Managua to inform Sacasa personally that *Sandinismo* and its anti-imperialist tenets were unalterably opposed to reliance on the United States for anything.⁵⁵ Meanwhile, Sandino solicited aid from Lombardo Toledano in Mexico City and prepared for a break with the government.⁵⁶ In a letter to Aguilar in early October, Sandino prophetically wrote: "I am aware of the dangers to my life when I . . . cross the interior of the Republic, but I will continue to endure the dangers as long as things are not right in Nicaragua."⁵⁷

Discouraged by the lack of enthusiasm with which his proposals for a Central American Federation had been received in Nicaragua and Central America, Sandino called a halt to any further work for

⁵⁰ Sacasa to Sandino, August 21, 1933. *Ibid.*, 532.

⁵¹ *Ibid.*, 533-534.

⁵² *Ibid.*, 534.

⁵³ *New York Times*, August 26, 1933.

⁵⁴ On October 5, the government was forced to declare a state of siege for sixty days. *Ibid.*, October 6, 1933.

⁵⁵ Somoza, 535.

⁵⁶ Sandino to Dr. Norberto Salinas de Aguilar, October 6, 1933. *Ibid.*, 536.

⁵⁷ *Ibid.*

the organization of the Autonomist Party. He now counselled his followers to limit themselves to the passive policy of keeping the spirit of *Sandinismo* alive so that it would be "a decisive factor against the *Guardia* in the first opportunity that presents itself" ⁵⁸

The commander of the auxiliaries, Francisco Estrada, took his chief at his word. He importuned actively against the *Guardia* with propaganda portraying Sandino as the real representative of the people and *Sandinismo* as the symbol of justice and *peace* in Nicaragua. When Sandino, accompanied by his lieutenants, journeyed from the Rio Coco Cooperative to San Rafael del Norte on November 16, there was a flurry of excitement which further increased antagonism between the *Sandinistas* and the *Guardia* and stirred the *caudillo* into action. His threats to resume war and the studied insolence of his bodyguard were viewed by the *Guardia* as deliberate insults to their prestige as the national force. ⁵⁹

Again Sacasa intervened by prevailing upon both Sandino and General Somoza to compose their differences. Since neither side was ready for a final showdown, Somoza and Sandino issued manifestoes stressing their "'friendship, patriotism and brotherhood . . . and . . . loyalty to the republic" ⁶⁰ These hollow utterances merely postponed the final crisis. Sandino's unshaken belief that the disarmament of his auxiliary force would result in an end of his political power and in the slaughter of his followers at the hands of the *Guardia*, made any attempt at conciliation impossible. On the other hand, Somoza was well aware that the existence of an extra-legal military force other than the *Guardia* was not only a threat to the stability of the Republic, but also an obstacle to the realization of his ambition to control the state.

The President made every effort to reassure Sandino by creating a special administrative district for the Rio Coco Cooperative under the jurisdiction of *Sandinista* chieftains and by promising to aid the Cooperative with the construction of a dam for irrigation, new machinery and implements for mining, the installation of a radio station, and the establishment of medical facilities. ⁶¹ Satisfied with these gestures, Sandino returned to Wiwilí and even wired thanks to Somoza for the "'effective guarantees'" that the *Guardia* escort had

⁵⁸ *Ibid.* My italics.

⁵⁹ Captain Gabriel Castillo to Somoza, November 26, 1933. *Ibid.*, 541.

⁶⁰ *New York Times*, December 6, 1933.

⁶¹ Sacasa to Sandino, December 8, 1933. Somoza, 543-544.

provided for the safety of his men.⁶² However, appearances were misleading.

When Sandino's lieutenants journeyed to Managua in late December, 1933, to secure funds for the Rio Coco Cooperative, they found the *Guardia* alarmingly hostile. In the official organ of the *Guardia Nacional*, Somoza significantly grumbled that Nicaragua could not exist as a state within a state. He pledged the *Guardia* to a guarantee of the persons and property of all *Sandinistas* and personally assumed responsibility for the *caudillo's* safety whenever he came to Managua, but demanded that Sandino reciprocate by the disarmament of the auxiliaries in accordance with the Peace Pact. Somoza assured Sandino that he would even be allowed to retain a special bodyguard as an *integral part of the Guardia*.⁶³

Sandino's reply was a reiteration of his charge that the *Guardia* was unconstitutional and that Sacasa was obligated to arm the "civil population of the Republic" against that illegal force.⁶⁴ Events were moving swiftly to a climax.

On January 18, 1934, Dr. Lara reported from León that the *Guardia* was closely watching him and that he feared arrest. He was now urging Sandino "to set aside points of honor . . . for the good of the Fatherland and to save the lives of . . . people," and begged Dr. Aguilar to advise Sandino to exercise extreme caution.⁶⁵ Dr. Aguilar did just the opposite. He reported to Sandino the determination of the President, his brother, Dr. Frederico Sacasa, and General Somoza to accomplish the final disarmament of the *Sandinista* auxiliaries on February 17, 1934, and declared:

'We do not believe that there is anything to do except to go to war I am ready here . . . , if some 30,000.00 [cordobas] are available, to buy a high officer of the *Guardia* who might deliver the Campo [de Marte] to us . . . so that we might get possession of all the armament [in Managua] without firing a shot I have ready . . . about three thousand men, under . . . General Juan Tellez Gómez and others, with orders to depart for the encampment . . . whenever you order'⁶⁶

⁶² Sandino to Somoza, December 10, 1933. *Ibid.*, 545.

⁶³ See reprint of article published in January, 1934, issue of the periodical *Guardia Nacional*. *Ibid.*, 549.

⁶⁴ *Ibid.*, 550-551.

⁶⁵ Letter published in *La Prensa* (Managua), March 11, 1934.

⁶⁶ Dr. Norberto Salinas de Aguilar to Sandino, January 24, 1934, in *Ibid.* Also published as an undated communication in Somoza, 552-557. See also Arthur Bliss Lane to the Secretary of State, February 5, 1934. *Foreign Relations of the United States. Diplomatic Papers, 1934*, Washington, D. C., 1952, V, 526-527, hereafter cited as *F. R., 1934, V*.

But Sandino harkened to Lara and on February 8, reluctantly accepted the President's invitation to come to Managua to negotiate the disarmament of his auxiliaries and the retention of a small guard for his personal protection.⁶⁷ However, the news of this was overshadowed by ex-President Moncada's unexpected and bitter attack on the President.⁶⁸ The open breach between Sacasa and Moncada apparently encouraged Sandino to resist the demands of the *Guardia*. Thus, on February 12, he issued "Decree No. 1" announcing his forthcoming trip to Managua "'to confer with the President . . . on matters of a political nature'" and ordered an alert in the Rio Coco Cooperative pending a settlement with Sacasa regarding the relations between the *Guardia* and the *Sandinista* army.⁶⁹

Sandino arrived in Managua on February 16, 1934, and immediately engaged in a series of conferences with Sacasa and his advisers.⁷⁰ The issue was clear—the *Guardia* was putting pressure on the government to accomplish the complete disarmament of Sandino's men by February 17, the termination date of the amnesty decree issued a year before to implement the Peace Pact of February 2, 1933. Somoza argued that the disarmament of Sandino's auxiliaries would enable the government to reduce the *Guardia* and thus remove a heavy drain on the national treasury. Even more important was his opinion that the life of the *Guardia* was at stake and that anarchy would overtake Nicaragua if its power were impaired.⁷¹ On the other hand, Sandino was convinced that only his auxiliaries stood between the *Guardia* and his life and the *Guardia* and Somoza's dictatorship in Nicaragua.

In this atmosphere of suspicion and distrust, negotiations between Sandino and the President proceeded too slowly for Somoza who chafed at Sacasa's "'unnecessarily conciliatory'" attitude. Somoza knew that Sacasa feared the power of the *Guardia* and was now attempting to use the *Sandinistas* to preserve his power against

⁶⁷ *La Noticia* (Managua), February 10, 1934; Lane to the Secretary of State, February 9, 1934. *F. R.*, 1934, V, 527.

⁶⁸ *La Noticia* (Managua), February 11, 1934; Lane to the Secretary of State, February 14, 1934. *F. R.*, 1934, V, 528. See also Arthur Bliss Lane, Minister in Nicaragua, to the Secretary of State, February 17, 1933, ADS. 817.00/Moncada.

⁶⁹ The "decree" was later published in *La Prensa* (Managua), March 11, 1934.

⁷⁰ Lane to the Secretary of State, February 20, 1934. *F. R.*, 1934, V, 528. See recapitulation of events in Lane to the Secretary of State, March 7, 1934, ADS.

⁷¹ *Ibid.*; Somoza, 564.

the Republic's only legal force.⁷² In a memorandum to the President, Sandino defined the issue by stating that

'there is the inconvenience of the existence of two armies, namely, the *Guardia* . . . , with unconstitutional forms and procedures, and the emergency guard which you have on the *Rio Coco* . . . , this . . . force being constitutional from the moment that it was created by *you* . . . as . . . President . . . and which depends on your own decision for its continuation or not.'⁷³

He reminded Sacasa that he had guaranteed the lives of *Sandinistas* and that such an "indispensable guaranty could not be realized without correcting the illegal form and procedures of the *Guardia*" Sandino now offered the use of his force to strengthen Presidential authority and to reform the *Guardia* "in accordance with the Constitution of the Republic . . . ,"⁷⁴ in return for the recognition of his auxiliaries as a legal force.

Sacasa did not spurn the offer of support, but carefully refrained from publicly announcing what policy he would pursue. In answer to Sandino on February 20, the President cautiously wrote:

'[I] seek to satisfy . . . your desires in all which might tend to improve the functioning of the *Guardia* . . . which was created . . . to give an effective guaranty to Nicaraguans . . . of any class and the protection of the Constitution and its laws.

I have . . . been disposed [sic] . . . to do my part in order that the organic law and regulations of the *Guardia* . . . be corrected shortly . . . in order to adjust them to the Constitution and the administrative system . . . in the country.'⁷⁵

Until these "'necessary reforms'" were accomplished, Sacasa offered to place the four northern Departments under the jurisdiction of a *Sandinista* Executive Delegate who would command the *Guardia*, collect all arms "'outside . . . the control of the government,'" and protect Sandino's command in those regions.⁷⁶ Sacasa was certain that he had resolved the conflict when Sandino accepted these proposals and General Horacio Portocarrero as the Executive Delegate.

⁷² Cf. *Time*, LII (November 15, 1948), 43; Lane to the Secretary of State, February 5, 1934. *F. R.*, 1934, V, 526-527.

⁷³ Sandino to Sacasa, February 19, 1934. *La Noticia* (Managua), February 22, 1934. See also Somoza, 558-559. Italics are mine.

⁷⁴ Cf. *La Noticia* (Managua), February 22, 1934; Lane to the Secretary of State, February 20, 1934. *F. R.*, 1934, V, 528.

⁷⁵ Sacasa to Sandino, February 20, 1934. *La Noticia* (Managua), February 22, 1934.

⁷⁶ *Ibid.*; Lane to the Secretary of State, February 22, 1934. *F. R.*, 1934, V, 530-531.

The agreement between the President and Sandino only served to fan the fires of resentment already consuming the *Guardia*. Upon learning of Sacasa's letter, Somoza hastened personally to tell the President that the appointment of Portocarrero was an insult to the *Guardia* and that the *Guardia* would not serve under the Executive Delegate.⁷⁷ When Sacasa refused to reverse his decision, Somoza left the Presidential House with the portentous warning: "'Should you make the appointment of General Portocarrero effective . . . I wish to be released from all responsibility as to the consequences.'" ⁷⁸ He was only restrained from proceeding *immediately* against Sandino and Sacasa by the American Minister, Arthur Bliss Lane.⁷⁹ But even more ominous was the appearance on February 21, of Sandino's implacable enemy, Moncada, who had come to the capital "for the purpose of bringing the Sandino matter to a head."⁸⁰

On the evening of February 21, Sandino, accompanied by his father, Don Gregorio, Juan Pablo Umanzor, Francisco Estrada, and his host, the Minister of Agriculture, Sofonías Salvatierra, dined with the President and engaged in final conversations regarding the new agreement. Upon leaving the Presidential House in Salvatierra's car, the party was stopped near the *Campo de Marte* by a squad of *Guardistas*. They were all placed under arrest. Don Gregorio and Salvatierra were detained at the camp. Sandino, Umanzor and Estrada were taken to a local air field and summarily executed. Twenty to thirty minutes after the arrest of Sandino's group, another *Guardia* detachment invaded Salvatierra's home, killing Sócrates Sandino and fatally wounding Salvatierra's son-in-law, Roland Murillo.⁸¹ Immediately after these events, Don Gregorio and Salvatierra were liberated by the American Minister who took them to the Legation and then to the Presidential House.⁸²

⁷⁷ Lane to the Secretary of State, March 7, 1934, ADS. See also Somoza, 561-564.

⁷⁸ See Somoza's record of his conversation with Sacasa on February 20, 1934. Somoza, 563.

⁷⁹ Lane to the Secretary of State, February 22 and 25, 1934. *F. R.*, 1934, V, 535. Somoza promised Lane, on four separate occasions, that he would not "start anything" without first consulting the Minister.

⁸⁰ Somoza informed Lane of the purpose of Moncada's visit on February 25. Lane to the Secretary of State, March 19, 1934, ADS.

⁸¹ Lane to the Secretary of State, March 19, 1934, ADS. Portocarrero escaped by plane from Managua. *New York Times*, February 23, 1934. See also *F. R.*, 1934, V, 531-532.

⁸² Lane to the Secretary of State, February 22, 1934. *F. R.*, 1934, V, 530; Lane to the Secretary of State, March 7, 1934, ADS. See Somoza's account, Somoza, 564-565, and that of Don Gregorio in which he relates that Sandino was permitted to telephone Somoza to ask of the reason for his arrest and asserts that the execution was carried out

Sacasa received the news with great consternation, and lost control of the situation because he was unable to reach Somoza. For the time being the *Guardia* was the real ruler in the capital, but late in the evening of February 21, the American Minister, at the request of the President, personally brought Somoza to the Presidential House in an effort to save the government.⁸³ Lane's action undoubtedly restrained Somoza and rescued Sacasa from his predicament. Nevertheless, Lane, still fearing a *coup* by Somoza, urgently requested that the Department of State either make a public statement regarding the non-recognition of revolutionary governments or dispatch a warship to Corinto. Both requests were rejected by Washington because it would give the appearance of intervention.⁸⁴

Meanwhile, on February 22, the President declared a state of siege which imposed a rigid censorship upon telegraphic communications and suspended the publication of newspapers.⁸⁵ Rumors began to circulate that Mr. Lane had conspired with Somoza and Moncada in the crime and was backing the General against Sacasa for the Presidency.⁸⁶ To refute these charges and bolster the indecisive Sacasa, Washington authorized Lane *privately* to inform Somoza that he must subordinate himself to the President.⁸⁷

On February 23, Sacasa had sufficiently recovered his composure to issue a declaration condemning the "unjustifiable crime" resulting from "the defective functioning of the *Guardia*." He promised to conduct "a vigorous investigation" and pointedly remarked that he *hoped* he could count "upon the decided obedience" of the *Guardia* in punishing the guilty and reestablishing

immediately after the call by a Captain Frederico Blanco (*El Nacional* (Mexico City), March 16, 1934) to whom Somoza roared: "Carry out your orders!" Cf. *Time*, LII (November 15, 1948), 43.

⁸³ Lane to the Secretary of State, February 22, 1934. *F. R.*, 1934, V, 530; Lane to the Secretary of State, March 7, 1934, ADS.

⁸⁴ Memorandum of the telephone conversation of Edwin C. Wilson, Assistant Secretary of State, with Lane, February 23, 1934, ADS.

⁸⁵ *New York Times*, February 23, 1934. When Lane requested, on behalf of Sandino's step-mother, the bodies of her sons, Sacasa and Somoza refused because of the fear that a funeral would be liable to create disorders. Lane to the Secretary of State (teleg.), February 23, 1934, ADS.

⁸⁶ Memorandum of the telephone conversation of Edwin C. Wilson, Assistant Secretary of State, with Lane, February 23, 1934, ADS; Lane to the Secretary of State, February 27, 1934. *F. R.*, 1934, V, 541-542. *Guardia* officers celebrated Somoza's birthday at a party in which his candidacy for the Presidency and that of Moncada for the Senate were announced. *New York Times*, February 23, 1934.

⁸⁷ *New York Times*, February 23, 1934. See also Secretary of State to Lane (teleg.), February 23, 1934. *F. R.*, 1934, V, 533, 535-536.

"the order that was regrettably broken.'" ⁸⁸ Somoza immediately reaffirmed the allegiance of the *Guardia* "to our excellent President" and reported that "an [energetic] investigation of the ⁸⁹ events" was being conducted to determine the responsibility for the recent murders even though he had already confessed his complicity to Lane. ⁹⁰

Still, neither the statements of Sacasa and Somoza, nor the protestations of the State Department could prevent the feeling of indignation which Sandino's murder provoked in the Mexican, Central American, and Caribbean press. Sandino suddenly achieved in death a greatness that they had not approached in life. Eulogies and editorials honored him in most of the Latin American journals, with hints or evidence of American connivance in the deed and castigations of Somoza and the "barbarism of [his] American trained force." ⁹¹ Almost all agreed that the "sacrifice" of Sandino was "an act of perverted patriotism . . ." ⁹² With the exception of a few leftist newspapers and journals of opinion, the greater part of the American press deplored the wanton murder of Sandino but viewed the situation in Nicaragua with detachment. In contrast to the sympathetic treatment that the guerrilla had received in American newspapers prior to 1933, ⁹³ the press approved the Roosevelt administration's policy of non-intervention and watchful waiting, and reflected the prevailing opinion that Sandino's death was

⁸⁸ *La Prensa* (Managua), February 25, 1934; *La Noticia* (Managua), February 24, 1934.

⁸⁹ The word "tragic" was deleted by Somoza from the original text.

⁹⁰ Lane to the Secretary of State, February 26, 1934, ADS; *New York Times*, February 24, 1934; *Cf. F. R.*, 1934, V, 535.

⁹¹ *Cf. F. R.*, 1934, V, 542; *La Prensa Libre* (San José), February 22, 1934; *Diario de Costa Rica* (San José), February 24 and April 12, 1934; *El País* (San José), March 5, 1934; *La Hora* (San José), March 5 and 8, 1934; *El Cronista* (Tegucigalpa), February 23 and 26, 1934; *El Ciudadano* (Tegucigalpa), February 27, 1934; *La Opinión* (Santo Domingo), February 22 and 23, 1934; *Listín Diario* (Santo Domingo), February 23 and 25, 1934; *Bahoruco* (Santo Domingo), February 22 and 23, 1934; *Nuevo Diario* (Santo Domingo), February 23, 1934; *El Mundo* (Mexico City), February 23, 1934; *Diario de Yucatán* (Mérida), February 23, 1934; *La Prensa* (Mexico City), February 23 and 28, 1934; *La Palabra* (Mexico City), February 24, 1934; *El Nacional* (Mexico City), February 24, 1934; *Omega* (Mexico City), February 26, 1934; *El Norte* (San Pedro Sula), February 24, 1934. These statements provoked a number of anti-American demonstrations, but much of this ill-feeling was dissipated by the publication of Don Gregorio's account of his sons' death. *El Nacional* (Mexico City), March 16, 1934; *El Universal* (Mexico City), April 3, 1934.

⁹² *La Opinión* (Santo Domingo), February 23, 1934.

⁹³ See Joseph O. Baylen, "Sandino: Patriot or Bandit?" *The Hispanic American Historical Review*, XXXI (August, 1951), 410-411; *New York Times*, February 23 to April 2, 1934.

the result of an internal quarrel which was of no concern to the United States.⁹⁴

When censorship restrictions were ended on February 25, Managua's newspapers published restrained narratives of the events of the preceding days, guarded editorials lamenting the crime, and official declarations of the President and Somoza, but avoided any mention of a breach between the civil and military authority.⁹⁵ Official declarations served to calm somewhat the apprehension of the public, and further reassurance was given on February 25 when Somoza and his staff officers called upon the President to renew publicly their oath of allegiance.⁹⁶ This was followed the next day by Somoza's general order enjoining his men to uphold and respect the members of the government. However, Somoza's conciliatory attitude was largely the result of Minister Lane's energetic action to insure the General's subordination to the President.⁹⁷

These professions of loyalty did not end the atmosphere of nervousness prevailing in the Presidential House where Salvatierra, Don Gregorio, and other *Sandinistas* were still refugees. Neither Sacasa nor those under his protection ventured into Managua, and the Presidential House was fortified in anticipation of a siege. Under such conditions it was clear that only "a restoration of mutual confidence" was necessary to maintain peace.⁹⁸ Again, Lane asked the Department of State for a statement to strengthen Sacasa by denying that the United States favored Somoza.⁹⁹ Cordell Hull and Sumner Welles refused to act on the premise that there was a larger question of policy involved, namely, that the United States wished to

⁹⁴ *Literary Digest*, CXVII (March 3, 1934), 7. See also "Nicaragua: Murder at the Crossroads," *Time*, XXII (March 5, 1934), 16-17.

⁹⁵ *La Noticia* (Managua), February 25, 1934; *El Pueblo* (Managua), February 25, 1934; *La Prensa* (Managua), February 25, 1934; *La Nueva Prensa* (Managua), February 25, 1934. The exception was *La Tribuna* (February 25, 1934), which eulogized Sandino as a martyr and as a result suffered prolonged suspension.

⁹⁶ Lane to the Secretary of State, February 25 and 26, 1934. *F. R.*, 1934, V, 537, 539-540; Lane to the Secretary of State, March 7, 1934, ADS. At a dance given in his honor in Granada, Somoza took advantage of the opportunity to declare that he and the *Guardia* "have stripped themselves of all personal ambitions and harbor no sentiments other than those of loyalty to the President . . ." *La Nueva Prensa* (Managua), April 28, 1934.

⁹⁷ *Cf. F. R.*, 1934, V, 536.

⁹⁸ Lane to the Secretary of State, February 26, 1934. *F. R.*, 1934, V, 540; Lane to the Secretary of State, March 7, 1934, ADS.

⁹⁹ Memorandum of the telephone conversation of Edwin C. Wilson, Assistant Secretary of State, with Lane, February 24, 1934, ADS.

avoid any impression that it was seeking to control the internal affairs of the Central American states.¹⁰⁰

The tension lessened somewhat with the collapse of anticipated *Sandinista* resistance at Wiwilí,¹⁰¹ and Sacasa's appointment of a Council of War to investigate and punish " 'without fear or favor' " those guilty of the late slayings.¹⁰² When the *Moncadistas* and the Conservatives blocked his attempt to strengthen his control over the *Guardia* by an act of Congress, Sacasa boldly issued a decree on March 1, 1934, assuming more *direct* control over the administration of the Departments and the police forces of the Republic.¹⁰³ Immediately after the promulgation of the decree, Sacasa summoned Somoza to the Presidential House and in the presence of the diplomats of all the American nations read the decree to the Commander of the *Guardia* with the request that the General repeat the oath of obedience.¹⁰⁴

The diplomats present at the ceremony felt that the President's show of distrust did everything but insure the *Guardia's* obedience. Thus Lane, aided by the Ministers of Mexico and El Salvador, advised Sacasa to make a gesture which would indicate his confidence in the *Guardia*.¹⁰⁵ The President reluctantly acted on their advice by halting the fortification of the Presidential House. By March 5, when it was clear that Somoza had no intention of rebelling,¹⁰⁶ Sacasa and the refugees descended from their stronghold and everything appeared normal except for the continuance of the state of siege.¹⁰⁷ But Sacasa's administration was not entirely out of danger. This was made clear in Minister Lane's dispatch to the Department of State in which he reported:

¹⁰⁰ *Ibid.*; Secretary of State to Lane, February 26, 1934. *F. R.*, 1934, V, 538-539.

¹⁰¹ Lane to the Secretary of State, February 24, 1934, ADS; Lane to the Secretary of State, February 26, 1934. *F. R.*, 1934, V, 539.

¹⁰² *New York Times*, February 26, 1934.

¹⁰³ Lane to the Secretary of State, March 7, 1934, ADS.

¹⁰⁴ Lane to the Secretary of State, March 1, 1934. *F. R.*, 1934, V, 546-547.

¹⁰⁵ *Ibid.*, 543-545.

¹⁰⁶ Lane to the Secretary of State, March 5, 1934, ADS; Lane to the Secretary of State, March 6, 1934. *F. R.*, 1934, V, 485.

¹⁰⁷ Lane to the Secretary of State, March 7, 1934, ADS. The discretion of the newspapers which resumed publication on March 5 also contributed to a restoration of order. American newspapers were, however, publishing reports that Sandino had been "laying the foundation of a Communist state" through a well-planned revolt on the east coast. *New York Times*, March 4, 1934.

*We must be prepared for further uneasy situations . . . until the questions of the composition of the Guardia and its relations to the Government are definitely and satisfactorily determined.*¹⁰⁸

Here, then, was the crux of the problem which had caused Sandino's demise. Its solution was further complicated and delayed by partisan politics.

Throughout the crisis, the Conservatives had refused to support the President in his difficulties with Somoza and the *Moncadistas*. They were irked by Sacasa's failure to consult them and tried to show their dissatisfaction by attempting to block a resolution of confidence in the President which was voted by the Chamber of Deputies on March 7.¹⁰⁹ However, two days later the Conservatives reversed themselves and voted for the resolution¹¹⁰ because of the revelations of Don Gregorio, who had arrived in El Salvador on March 8, which absolved Sacasa of any blame for the murder of his sons and accused Moncada and Somoza of being the chief authors of the deed.¹¹¹

General Somoza now released for publication documents captured by the *Guardia*, together with the confessions of Lara and Aguilar, "revealing" Sandino's plot to revolt in the event that the President proved intransigent, and the *caudillo's* proposal for an alliance with the *Guardia* to depose Sacasa to show that "'Sandino did not deserve the gentlemanly treatment shown him by . . . the President.'"¹¹² Moncada joined Somoza in publicly asserting that "'the guerilla warrior'"¹¹³ was a traitor who had deserved death, but his attempt to clear himself with the statement that "'the true

¹⁰⁸ Lane to the Secretary of State, March 7, 1934, ADS. Italics are mine.

¹⁰⁹ Lane to the Secretary of State, March 9, 1934, ADS; *La Noticia* (Managua), March 9, 1934.

¹¹⁰ *La Prensa* (Managua), March 10, 1934.

¹¹¹ Don Gregorio reported that no real effort would be made to punish the assassins who "were enjoying complete freedom and parade the streets [in] Managua, boasting of their crime . . ." *New York Times*, March 9, 1934. See also his statements published in *El Nacional* (Mexico City), March 16, 1934. Upon receiving the report of the death of Sandino's daughter, the grandfather declared that he had lost his faith in Sacasa's pledge to bring his son's slayers to justice because the President was a tool of Somoza. *New York Times*, March 13, 1934. See also Major A. R. Harris, Military Attaché in Costa Rica, to the Department of State, ADS. Sofonías Salvatierra arrived in Panama City on March 11 (*New York Times*, March 12, 1934), enroute to Spain on a "government mission." Lane to the Secretary of State, March 15, 1934, ADS.

¹¹² *La Prensa* (Managua), March 11, 1934; *New York Times*, March 12, 1934.

¹¹³ Prior to 1933, Moncada had consistently referred to Sandino as a "bandit" or "outlaw."

culprits' " would be unmasked to the public signalled a split with his kinsman.¹¹⁴ Somoza, bitterly resenting the ex-President's desire to shift the blame to the *Guardia* and its chief, immediately condemned the ex-President's "hypocritical" attitude to the American Minister.¹¹⁵ Nevertheless, the differences between Moncada and Somoza were temporarily submerged by their common desire to escape the responsibility and public censure for Sandino's death. While certain sections of the press were inspired to destroy the martyrdom of Sandino by an exposé of his life as a "traitor,"¹¹⁶ Somoza attempted to delay Sacasa's investigation until all of the men who had participated in the crime were out of the country.¹¹⁷ This back-fired when the *Guardia* Captain Camillo Gonzales boasted, upon his arrival in Costa Rica, that he had shot Sandino on written orders from Somoza.¹¹⁸ Even more embarrassing were the pronouncements of Sandino's loquacious confederate, Dr. Pedro José Zepeda, accusing Somoza of having murdered Sandino because the *caudillo* had refused to cooperate with the *Guardia* in overthrowing the government.¹¹⁹ Somoza, with ill-concealed discomfort, immediately sought to refute Zepeda's charges,¹²⁰ but he was now concerned with more important things—the forthcoming elections.

In spite of official assurances and the appearance of calm, the question of the position of the *Guardia* in the coming senatorial elections greatly worried the President. He was troubled by Moncada's candidacy for the Senate and the support given to him by the *Guardia* and the Conservatives.¹²¹ There was also the question of "free" elections, which Sacasa now seemed to oppose by manipulating the election law and by using his official position

¹¹⁴ *La Noticia* (Managua), March 17, 1934.

¹¹⁵ Lane to the Secretary of State (Confidential), March 19, 1934, ADS. Some of the ill-feeling was undoubtedly caused by Moncada's dismissal of Somoza for corruption a few years before. Cf. *Time*, LII (November 15, 1948), 43.

¹¹⁶ *Nuestro Diario* (Managua), March 19, 1934.

¹¹⁷ Major A. R. Harris, Military Attaché in Costa Rica, to the Secretary of State, March 29, 1934, ADS. 811.111/Gonzales.

¹¹⁸ *La Hora* (San José), March 26, 1934. Upon his arrival in the United States on April 1, Gonzales was detained at Ellis Island by immigration authorities, but he denied his part in the crime. He was later released and cleared by a Board of Inquiry on the grounds that the report of his guilt was "unworthy of belief." *New York Times*, April 2 and 10, 1934.

¹¹⁹ *New York Times*, April 5, 1934; Josephus Daniels, Ambassador to Mexico, to the Secretary of State, April 6, 1934, ADS; *El Nacional* (Mexico City), April 3, 1934.

¹²⁰ *New York Times*, April 5, 1934.

¹²¹ Lane to the Secretary of State, April 24, 1934, ADS.

and the *Guardia* to keep Moncada out of Congress.¹²² Yet, he was well aware of the popular feeling that the *Guardia* should be reduced because its maintenance imposed a terrific burden on the Treasury.¹²³ But here is where Somoza, who would not permit the President's use of the *Guardia* to prevent "free" elections, held the advantage. He was well apprised of the President's dilemma and determined to make the most of it by opposing any reduction in the size of the *Guardia*. This politico-military organization controlled the results of the "free" elections which it was supposed to supervise impartially and would revolt rather than have its personnel reduced.¹²⁴

Sacasa, in the face of opposition in his Cabinet, extended the state of siege on April 20,¹²⁵ and to conciliate Somoza, appointed the General's brother-in-law, León Debayle, Under-Secretary of Gobernación.¹²⁶ Still, this did not appease Somoza and again the American Minister was forced to attempt to close the ever widening breach between the President and the General. Sacasa promised to guarantee a "free" and fair election in Moncada's Department but warned Lane that the election of Moncada to the Senate would only menace the peace of Nicaragua.¹²⁷

Lane's work was further complicated by an article written by Somoza's secretary, A. Reyes Huete, in a newspaper subsidized by the General which deplored "The uncertainty from above" and volunteered that: "If this Government . . . was not a vacillating government, it would progress, with the strong support of the Army and of good Nicaraguans, to put an end to the disintegration which threatens the state."¹²⁸ The same journal also reprinted a satire bitterly lampooning Sacasa and the speculation of his brothers and traducing Lane for his alleged practice of "'always talking in secret with someone.'"¹²⁹

Sacasa angrily suppressed the newspaper but was unable to

¹²² *Ibid.*; Lane to the Secretary of State, May 4, 1934. *F. R.*, 1934, V, 553,

¹²³ See memorandum of conversation between P. C. Daniels, *Chargé d' Affaires*, and Sasaca on April 27, 1934, as an enclosure of Lane to the Secretary of State, May 7, 1934, ADS. 817.00/Sacasa.

¹²⁴ Major A. R. Harris, Military Attaché in Costa Rica, to the Secretary of State, April 24, 1934, ADS; Lane to the Secretary of State, February 26, 1934. *F. R.*, 1934, V, 541; March 21, 1934, *Ibid.*, 549.

¹²⁵ Paul C. Daniels, *Chargé d' Affaires*, to the Secretary of State, April 26, 1934, ADS.

¹²⁶ Lane to the Secretary of State (teleg.), May 3, 1934, ADS.

¹²⁷ Lane to the Secretary of State, May 7, 1934, ADS.

¹²⁸ A. Reyes Huete, "The Electoral Farce and the Constituency," *La Nueva Prensa* (Managua), May 18, 1934.

¹²⁹ Reprint from the newspaper *La Reacción* (Granada), *Ibid.*

effect the imprisonment of Huete because of his position with the *Guardia*. The President now cited Huete's article to Lane as proof that Somoza was part of a *Moncadista* and Conservative plot to usurp the Presidency, and that the *Guardia* was supporting the return of Moncada to the Senate. The American Minister's advice that peaceful elections were more important for the welfare of Nicaragua than the triumph of any party, personal ambitions, or party strife did little to soothe Sacasa's suspicions.¹³⁰ He had lost all confidence in the non-partisanship of the *Guardia* and believed that he could save himself only by removing Somoza as *Jefe Director* and subordinating the potent national force to make it serve his purpose.¹³¹

When Lane, in his effort to reconcile the President and Somoza, approached the General, he blandly admitted trying to influence his Conservative and Liberal friends in Congress against Moncada's electoral opponent, who was also Sacasa's "whip" in the Chamber, but accused Sacasa of planning to veto an amnesty for the assassins of Sandino. He vowed to override the President's veto, and warned that he could not allow Sacasa to use the *Guardia* to prevent Moncada's election as Senator.¹³²

Lane's talk with Somoza and the subsequent removal of Reyes Huete from his position with the *Guardia* somewhat mollified the President.¹³³ But Sacasa was fast losing control of Congress to the *Moncadistas* and Somoza's friends. This was evident when the Chamber of Deputies challenged the President's right to prolong the state of siege and used Somoza as the authority for the fact that "'Neither the country nor the *Guardia* . . . need the state of siege.'" ¹³⁴ Yet neither Moncada nor Somoza were able to persuade the Chamber to ignore public opinion and approve an amnesty for the persons involved in Sandino's murder.¹³⁵ This was also mute evidence of the coolness existing between Moncada and Somoza.

The breach between Moncada and his kinsman widened at a *Guardia* banquet in Granada in honor of Somoza on June 17. When called upon to speak as an honored guest, Moncada approved the

¹³⁰ Lane to the Secretary of State, May 21, 1934, ADS.

¹³¹ Lane to the Secretary of State, May 25, 1934, ADS.

¹³² *Ibid.*

¹³³ Lane to the Secretary of State, May 25, 1934, ADS. 817.00/Reyes Huete.

¹³⁴ Lane to the Secretary of State, May 28, 1934, ADS.

¹³⁵ *La Noticia* (Managua), May 31, 1934.

liquidation of Sandino and assured the *Guardia* that " 'It was pure patriotism to kill Sandino, as it will always be in any part of the world to put an end to those monstrous beings who voluntarily exclude themselves from civilized society.' " Then he startled those present when he imprudently mused that " 'It is a great shame that [Sandino] did not die in open battle . . . , ' " with the inference that the *Guardia* rather than his administration was responsible for the guerrilla's survival as a danger until after 1933. Worse yet, he counselled the *Guardia* to live up to its " 'responsibilities' " in the forthcoming elections.¹³⁶

Somoza (who was reported to have been well in his cups) was so incensed by Moncada's utterances that he immediately undertook to correct the ex-President by informing his audience that it was only " 'Through the magnanimity of the President . . . [that] Sandino did not die in battle' " and was saved from defeat at the hands of the *Guardia* before 1933. Even more startling was Somoza's acceptance of the responsibility for the murder of Sandino and his companions:

'From the very moment . . . Sandino declared himself independent of . . . the Constitution, he outlawed himself and from that instant his life was subject to the risks run by every traitor. Members of the Army, knowing the suffering which another revolution would mean for Nicaragua, cut off the cause of such disturbance [acting] without advice.'¹³⁷

As chief of Nicaragua's " 'non-political army,' " he hinted that he had Lane's support in the coming election and pointedly pledged the *Guardia* " 'to guarantee the coming elections by its impartiality ' " ¹³⁸ Moncada left Granada chagrined and embittered.

Although Somoza's utterances ¹³⁹ helped to increase the political importance of the *Guardia*, they also stimulated a propaganda barrage by professional *Sandinistas* in exile, which caused some embarrassment for the United States. In Mexico, Pedro José Zepeda called upon Sacasa to dismiss Somoza and bring him to trial for

¹³⁶ For the text of Moncada's speech see *El Diario Nicaragüense* (Granada), June 19, 1934.

¹³⁷ *Ibid.* See also the report of Somoza's speech and the reaction to it in *Noticias Gráficas* (Buenos Aires), June 21, 1934; Lane to the Secretary of State, June 19, 1934. *F. R.*, 1934, V, 556.

¹³⁸ *El Diario Nicaragüense* (Granada), June 19, 1934; *La Noticia* (Managua), June 19, 1934.

¹³⁹ A carefully edited version of Somoza's speech which stressed his remarks on free elections rather than his statements on Sandino's murder was published in *El Diario Nicaragüense* (Granada), June 19, 1934.

the murder of Sandino, and cited the "intimate relations" between the General and the Minister Lane¹⁴⁰ as proof that Lane had abetted Somoza in his homicide.¹⁴¹ The Minister and the Department of State considered these charges sufficiently serious to warrant a special statement by Lane denouncing these "unfounded and malicious rumors" as absolutely false, and reiterating that the "Good Neighbor Policy" of the United States precluded any interference in the political affairs of Nicaragua.¹⁴² The Assistant Secretary of State, Edwin C. Wilson, called a special press conference on June 26 and went to great lengths to explain that the Minister's statement was necessary to dispel any unfounded rumors regarding American favoritism or intervention which might complicate the forthcoming Nicaraguan elections in November.¹⁴³ The prompt action of Lane and the Department of State not only refuted Zepeda's charges, but frustrated Somoza's attempts to create the impression that the United States favored *Guardia* and its chief.¹⁴⁴

Meanwhile, Somoza issued a general order to the *Guardia* on June 28, instructing the force to act as "the jealous guardian of political impartiality" and to submit to no electoral pressure.¹⁴⁵ Since the President had not called upon the *Guardia* to supervise the elections, Somoza's order was a usurpation of the executive authority,¹⁴⁶ but Sacasa, faced with a resurgence of bandit activities under the old *Sandinista* banner in the northern Departments, was for the time being forced to bow to Somoza's arrogance.

In early July, various *Sandinista* chieftains took the field in the Segovias and continued their attacks on *Guardia* outposts and *fincas* until pacified by amnesties in January, 1935.¹⁴⁷ While there was no apparent connection between this unrest and the elections in November, it was clear that the memory and name of Sandino was still strong. This was perhaps a major reason for Somoza's demand for a special amnesty absolving the guilty of the respon-

¹⁴⁰ See Zepeda's open letter to President Franklin D. Roosevelt. *Excelsior* (Mexico City), June 22, 1934.

¹⁴¹ *Ibid.*, June 25, 1934.

¹⁴² Lane to the Secretary of State, June 25, 1934, ADS; *New York Times*, June 27, 1934; *La Noticia* (Managua), June 25, 1934.

¹⁴³ Memorandum of Special Press Conference held by Edwin C. Wilson on June 26, 1934, ADS.

¹⁴⁴ Lane to the Secretary of State, June 20, 1934, ADS.

¹⁴⁵ *La Nueva Prensa* (Managua), June 29, 1934.

¹⁴⁶ Allan Dawson, Second Secretary to the Legation, to the Secretary of State, June 29, 1934, ADS.

¹⁴⁷ See dispatches of Lane and Dawson to the Secretary of State, July 7, July 16, August 14, August 27, and September 12, 1934, ADS.

sibility for the murders of February 21. After much prodding and the presentation of evidence that Sandino was liquidated for plotting revolution, the Chamber of Deputies voted on August 23, 1934, full amnesty to the slayers of Sandino.¹⁴⁸ Somoza was now confident that he could proceed to the next objective—complete political power.

For the next two years Somoza, unable to assume the Presidency without incurring the displeasure of the Department of State, was content to remain the unseen power in the Republic. However, when Sacasa, in late May, 1936, attempted to unite the Liberals and Conservatives behind his candidate for the presidency, Somoza erupted.¹⁴⁹ During the first week of June, the *Guardia* seized control of most of Nicaragua and forced Sacasa into exile¹⁵⁰ in El Salvador with a denunciation of the " 'reprehensible character' " of the military *coup*.¹⁵¹ Somoza, ineligible to succeed Sacasa because of his relation by marriage to Sacasa had the Nicaraguan Congress elect Dr. Carlos Brenes Jarquín to serve as interim President until the autumn elections.¹⁵² Somoza was duly elected to the Presidency and began his extended rule of Nicaragua upon entering office on January 1, 1937.

Thus Nicaragua's short-lived democracy came to an end, and Sandino's worst fears were realized. The sincere and somber *mestizo* had accurately assessed the danger of the "non-partisan" *Guardia Nacional* as a weapon in the hands of an ambitious personality. It was unfortunate that he, Sandino, had nothing better to offer and bequeath than a prophetic warning.

JOSEPH O. BAYLEN

New Mexico Highlands University

¹⁴⁸ *New York Times*, August 25, 1934.

¹⁴⁹ "Nicaragua: Artillery Party," *Time*, XXVII (June 8, 1936), 21-22.

¹⁵⁰ "Nicaragua: Private Fight," *Time*, XXVII (June 15, 1936), 24.

¹⁵¹ "Nicaragua: 'Time to End!'" *Time*, XXVII (June 22, 1936), 32.

¹⁵² *Ibid.*

Book Reviews

The Story of Marquette University. By Raphael N. Hamilton, S.J. Marquette University Press, Milwaukee. 1953. Pp. xii, 434. Illustrated.

Fifty years ago Alexander J. Burrowes, S.J., sat at the control desk of Marquette College, Milwaukee. When in 1908 he retired from office, he left his school a university. A man of vision, who could plan, direct, and inspire enthusiasm, he put a permanent stamp on the administration that is today a model of businesslike management. His unique contribution as an educator was to see that the centuries-old *Ratio Studiorum* must now widen its scope and take the forces of his Order into a new and larger complex organization. He won two notable victories, remarkable for his day. In 1907 the legislature of Wisconsin authorized the amalgamation of a university corporation. During the next twelve months the nucleus of the arts college took on medicine, dentistry, pharmacy and engineering. He then left to his successors, men such as Noonan, Fox, Magee and McCarthy, a magnificent opportunity. How they used it is told in the fine work here under review.

Marquette University's actual origin had an earlier date. Bishop Henni ruled the See of Milwaukee from 1844 to 1881. The name of Marquette, so closely connected with Wisconsin, led him on a trip to Europe in 1848-1849 to find an endowment and a faculty of Jesuits who would build a college in his diocese. He got the fund, a small but important \$16,000, and in due time he found the organizer, Stanislaus P. Lalumiere, S.J. In the very year of his death the dream came true, and the college sprouted from a tiny academy into a permanent institution. Today it stands unique in many ways. Its city is solidly back of its growth. Its alumni and alumnae yield to none in remaining a vital part of their Alma Mater. The story of its impact on other universities makes a most interesting study for educators and historians.

A university is a living thing. It grows from ideas, founders, faculty, students, native environment, and if it be genuine it reflects every sound institution and tradition operating within its locale. The writing of its history, then, is a task that calls for much more than the historical hack who can piece together antiquities and current data. For it has a character, and to discover that character requires that the author live very close to the living thing for a time long enough to become a real part of its life. The task includes, too, a mature understanding of what makes a university, and thus the composer must set his story in the long story of university education. In this case, that of a Jesuit university, he must have caught the idea of Burrowes and see how his institution embodies the typical Jesuit traits as educators, and how their compact regimen can adapt itself to the "Great Frontier" of which Webb speaks.

The audience addressed in this work is the public of the university, students and graduates, the city and state, and the host of men and women

whose generosity furnished the backing for its whole history. With this in mind the author has woven the tale into a broad background of the changing student body and the surrounding populace, and thus the notable advances—and the discouraging setbacks—of the school stand on the actual bases of external situations. As is becoming, the work has a clearly Turner-esque motif, and the old professor would delight in seeing his famous theory so plainly proven in the case of Marquette.

As did his institution, so Hamilton begins in simple style. Then come the crises—the first World War, the North Michigan Land Company affair, the Roaring Twenties, the Revolution of the Thirties, more war and more expansion. These events challenge the pen and bring the staid historian to a dramatic narrative. Though the fundamentals here are the policy-makers and the furnishers of brick and mortar, the more notable effort portrays the way in which student composition affected the advances in administrative action. No one has better described the mutations of life on a campus in those days, nor penetrated better into student habit and opinion. One can reconstruct the social story of our land in those days from the chapters of this book.

In judging the work, it is clear that the writer possessed the two indispensable prerequisites: the abilities of a trained scholar living in his very subject, and an enviable supply of historical materials. His style is urbane, alert, candid and penetrating. His citations are impeccable and most abundant. In particular the frequently mentioned "*B. of S.*", or Bureau of Information and Statistics maintained since 1925, offers a peerless source of supplementary data. And the businesslike array of university archives listed in one appendix will cause envy in anyone attempting a similar production. The Press turned out a commendable volume, notwithstanding some minor offenses by linotyper or proofreader. A handsome set of illustrations keeps the reader close to the scene. The index is comprehensive.

W. EUGENE SHIELDS

Xavier University, Ohio

The Spanish Jesuit Mission in Virginia 1570–72. By Clifford M. Lewis, S.J. and Albert J. Loomie, S.J. Published for the Virginia Historical Society by the University of North Carolina Press. Pp. 294. Illustrated.

This book is the first detailed study of the ill-fated attempt of a group of Jesuit missionaries led by Juan Baptista de Segura to establish a Jesuit mission in the Chesapeake Bay area in 1570, the farthest northern penetration in Spain's march of empire. The dreams of a Spanish colonial empire on the mid-Atlantic coast of Luís de Velasco, the Viceroy of New Spain, and Pedro Menéndez de Avilés, the Adelantado of Florida, were nurtured by the search for a northern strait to China and the political and economic rivalry of France, England and Spain. The capture of an Indian boy

from the Virginia coast on a previous voyage and missionary failures in Florida sharpened the desire of Father Segura to seek a new location for a mission. The attempt ended in tragedy and failure. Two years later a relief expedition rescued the sole survivor, the boy Alonso. All the Jesuits were massacred by the Indians. Thirty-five years later the English landed in Jamestown to fill the vacuum created by Spain's unwillingness to expend the necessary resources to maintain and expand that precarious foothold in the Chesapeake bay region.

Father Segura's plan of action coincides with, and may have directly been inspired by the missionary credo that Bartolomé de las Casas formulated in *Del único modo de atraer a todos los pueblos a la verdadera religión*: "If the truth is proposed quickly with angry shouting or perhaps amid the clatter of arms and the terror of threats and beatings and domineering cruelty, it is clear that the human mind is prostrate with fear . . . so that the will can not be moved but is forced to hate." This formula whose key concepts are peace, reason, and will requires the total absence of Spanish civilians and soldiers whose material needs represented the principal road-block in the path of the missionary. The wills of the Indians must be inclined towards accepting the truths of the Gospel by rational appeals, by good examples and by gentle persuasion. In the Las Casian tradition Segura adamantly refused to be accompanied by a military garrison, placing full reliance on Don Luís, the Indian boy who had been educated by the Jesuits after having been captured on an earlier expedition.

The nobility of purpose which inspired both Las Casas' thinking and Segura's action, although not the only expression of Spain's Christian humanitarianism as is sometimes thought, yielded meager results on many occasions when it was applied. The postulates of the Las Casian method did not square with the realities of aboriginal society. The natives of the New World in most cases were unwilling to give up their own cultural and religious values to which they were firmly attached without their being compelled to do so. Small Spanish garrisons in the neighborhood were needed to destroy the backbone of native resistance and to insure that it remained broken. In spite of all of the Las Casas-inspired legislation coming out of Spain to the contrary, most of the missionaries in America by the end of the sixteenth century and even before came to realize that the spiritual and the temporal conquests of the natives were but complementary aspects of the same process. The dramatic failures of the Las Casian method in the New World ought not to obscure, however, the positive achievements of the movement. Bloodshed and violence were sufficiently reduced so that the missionaries could build their spiritual conquest on the solid foundation of the temporal conquest.

The Jesuits had placed all their hopes in reaching the natives through Don Luís. But their protégé failed them. He abandoned the mission. Resenting the Jesuits' censure of his return to polygamy and his conscience disturbed over the genuineness of his conversion, Don Luís became the chief perpetrator of the massacre of the priests who had befriended him with kindness and affection. The Indians plundered the Jesuits' goods, and, to add a macabre note, they attired themselves in the vestments of the fathers.

Overcome by remorse it was the weeping Don Luís who finally arranged for the burial of the men he had slain.

Don Luís "breakdown" is a revealing, if pathetic, incident in the development of missionary methods in the sixteenth century. Don Luís broke under the strain of a responsibility that he was unable to carry. Father Segura and his companions were over-optimistic in assessing the solidity of his conversion. They underestimated the dangers of a relapse into paganism when conditions made this a possible and even a desirable alternative. Above all else they had no means of disciplining him except to censure his conduct, a course of action which only deepened the conflict in Don Luís' tortured mind. In a sense the Jesuit mission in Virginia was predestined to fail, for it lacked too many of the conditions usually present in most of the successful missionary enterprises of the period: the availability of Spanish soldiers, the possibility of penetrating native society through the children, the latter approach presupposing a command of the native language, the possibility of being able to enforce disciplinary action upon the neophytes, and congregating the Indians into villages to facilitate their constant supervision by the missionaries. The story of the Jesuit mission in Virginia is a study in failure, a meaningful failure, however, whose significance and whose pathos were not lost upon contemporaries.

Among the many fine features of this study the authors deserve special praise for the exhaustive job of historical detective work that they undertook in piecing together from the insufficient sources a sound and plausible hypothesis about the location of the Jesuit mission, which they place on the north bank of King's Creek near the York River.

The authors deserve to be congratulated for having made an illuminating contribution to the history of the missionary enterprise in America and the Virginia Historical Society for subsidizing the publication of such a handsome volume containing many fine illustrations.

JOHN LEDDY PHELAN

Newberry Library

Peter E. Dietz, Labor Priest. By Mary Harrita Fox, with a Foreword by Aaron I. Abell, Ph.D. University of Notre Dame Press, Notre Dame, Indiana, 1953. Pp. ix, 285.

Peter E. Dietz, outstanding labor priest, has finally been brought to the attention of the English reading public and to the well-merited place in the history of American social thought which is belatedly being given him. The one chosen to pay this debt of justice was Sister Mary Harrita Fox. This volume is a revision of her doctoral dissertation, a valuable, sympathetic biography, with every mark of genuine scholarship and historical objectivity.

Father Dietz (1878-1947) was born in New York of poor German immigrant parents. He was ordained priest in December, 1904, for the Cleveland Diocese, and from this date until 1922, when he was forced to

withdraw from social work owing to opposition, he devoted his life unstintingly to the cause of the laboring man who saw in him a friend wholeheartedly interested in his welfare. Over a period of eighteen years he was actively engaged in a variety of projects all aimed "to uplift the masses and solve the problems of the workingman. . . ." The part he played in fighting Socialism in trade unions, his organizing among the Catholic workers in the American Federation of Labor of The Militia for Christ, his efforts to form an International Federation of Catholic Trade Unions, his part in the setting up of a Social Service Commission, his striving to coordinate Catholic Social Activity, his launching a school of Social Service, and his developing the first Catholic Labor School with its attendant difficulties leave one in deep admiration for this man who truly "lived before his time." So much of what he recommended and fought for are just now becoming actualities. American labor leaders were loud in their praise of the inspiration, the "trail blazing," and original contributions which this man made to the cause of the American labor movement. His lack of prudence, his tendency to be intolerant and somewhat narrow-minded on certain subjects, his difficulties with superiors, all, understandably enough, diminished the efficacy of his work. Despite his failings, which are not glossed over in the book, his name will rank high in the annals of American labor and first among the crusaders for a practical Catholic social program. Unfortunately, the book is without an index.

CHARLES E. RONAN

University of Texas

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CONTENTS

JOHN WENTWORTH AND ANTI-SLAVERY IN CHICAGO TO 1856	<i>Stanley L. Jones</i> 147
JESUIT EXILES, PRECURSORS OF MEXICAN INDEPENDENCE?	<i>Ernest J. Burrus</i> 161
THE ANTE-BELLUM POPULATION, 1830-1860	<i>William I. Greenwald</i> 176
IRISHMEN IN NORTHERN INDIANA BEFORE 1850	<i>Elfrieda Lang</i> 190
BOOK REVIEWS	199
NOTES AND COMMENTS	203

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John Wentworth and Anti-Slavery in Chicago to 1856

When northern Illinois was being settled, it was recognized, as it is today, that the predominance of immigrants from the northeastern States and northern Europe was resulting in the development in northern Illinois of a society which differed greatly from that of southern Illinois, where the settlements were composed principally of men from the southern United States.¹ This observation was not meant then, nor is it intended now, to suggest that the northern Illinois settlers had reproduced a society exactly like that which they had left; for in truth they were building a new frontier and they adapted their heritage to meet the demands of the new environment. That Chicago and northern Illinois were part of a developing frontier during the decades of intellectual ferment between 1830 and 1860 and that the settlers in this region were largely of northeastern and north European origin are facts essential to an understanding of the political development of the region. It is thus not difficult to understand that at first northern Illinois was a stronghold of Jacksonian democracy; nor how, as the Jackson movement declined, much of northern Illinois responded eagerly to that blending of the most radical elements in the Jackson movement and in the anti-slavery crusade which became known as the Free-Soil movement.

Though northern Illinois was in these early years a center of radical agitation, it was at the same time an area of extraordinarily complicated political maneuvering. Not everyone was radical. In

¹ Arthur C. Cole, *Constitutional Debates of 1847*, Illinois State Historical Library, *Collections XIV, Constitutional Series, II*, Springfield, 1919, 201-208.

most areas the radicals were a sizeable and articulate minority. In many counties the traditional political organizations of Democrat and Whig were so evenly matched that the radical minority held the balance of power. As long as the chief issues were those dramatized by Jackson and Van Buren—banks and corporation monopolies—the Democrats easily gained the support of the radicals; but when the issues became free soil and free men, the two traditional parties floundered about in their attempts to shape a policy to guide the agitation. As a result, the radical anti-slavery minority of the northern region became a balance of power group attached permanently to no party.

No man understood northern Illinois politics or northern Illinois radicalism better than "Long John" Wentworth, Democratic editor and politician, who had come to Chicago from the East in 1836, just as the city was beginning its phenomenal growth. Shortly after his arrival he had taken editorial control of the Chicago *Democrat* and subsequently had played an important part in nearly every aspect of the development of northern Illinois. In the 1830's and 40's his newspaper was a "locofoco" paper, strenuously fighting banks and corporation monopolies. From the first the *Democrat* had shown eager interest in the Free-Soil movement, and before that movement was far advanced Wentworth's newspaper became one of its most ardent advocates.

Though the *Democrat* and its outspoken editor became Free-Soil partisans they did not at the same time abandon their allegiance to the Democratic party.² In the early years Wentworth had succeeded in drawing farmers of the north to the support of his party by taking the radical position on banks in his newspaper, and he was prepared to assume a radical stand on the free soil issue in order to attract anti-slavery votes to the Democratic party. He believed that in American politics radical elements always held the balance of power and that without their support the Democratic party could not win elections.³

In the 1840's "Long John's" interest in the politics of his district, the Fourth Illinois Congressional District, was increased by his repeated election to Congress. He was first elected in 1842 and was re-elected in 1844, 1846, and 1848. He did not run in 1850 but did run in 1852 when he was again elected. In every one of these elections he ran for Congress as a Democrat, duly nominated

² Chicago *Daily Democrat*, August 2, 26, 1850.

³ *Ibid.*, December 20, 1850.

by the regular party nominating convention in his district. In each of these elections the balance of power held by the anti-slavery faction in the district became more evident.

The anti-slavery elements, organized as a third party, did not win elections in the Fourth District. In 1844 the Liberty Party's candidate polled sixteen per cent of the vote. In 1846 the Liberty candidate, Owen Lovejoy, polled seventeen per cent of the total vote, the highest percentage of the total vote ever achieved by any of the third party anti-slavery groups. In 1848 Lovejoy, running on an Abolitionist ticket, polled but thirteen per cent of the vote; and in 1850 the Abolitionist vote declined to five per cent of the total. In 1852 the congressional districts were re-organized on the basis of the census of 1850 and in Wentworth's new district, the Second Congressional District of Illinois, thirteen per cent of the votes were cast for the Abolitionist candidate.⁴

The tendency, evident in these figures, for the strength of the independent anti-slavery faction to decline rather than increase would not in itself have been an object of great concern to the Democratic party if a considerable portion of those abandoning the various third parties had moved into the Democratic party; but further analysis shows that the trend was otherwise. In fact, in this same span of years the percentage of votes cast for the Democratic party in Wentworth's district was also declining. In 1844 and 1846 Wentworth received fifty-five per cent of the votes in his district. In 1848 the Democratic total declined to fifty-one per cent; in 1850 it was forty-nine per cent; and in 1852 in the new district it was forty-seven per cent. Defection from the Democratic party as well as from the third party anti-slavery movement worked in the interest of the Whigs; for between 1844 and 1850 the Whig percentage of the total vote rose from twenty-nine to forty-six per cent, while in the new district in 1852 they received forty per cent of the vote.⁵ Of course, each of these elections was won by the Democrats; but by the election of 1850 they could no longer command a majority of the votes in their district.

Wentworth's recognition of the significant balance of power held by the anti-slavery radicals in northern Illinois caused him to

⁴ Theodore C. Pease, *Illinois Election Returns, 1818-1848*, Illinois State Historical Library, *Collections XVIII*, Springfield, 1923, 145, 156; John Wentworth, *Congressional Reminiscences*, Fergus Historical Series No. 24, Chicago, 1882, 67-69; *Chicago Daily Democrat*, December 4, 1850; November 12, 1852.

⁵ The three sources cited in footnote four contain the election statistics used in this paragraph.

insist that the Democratic party take up the slogans of free men and free land in order to carry elections in the north. "Long John" was not averse to a frank discussion of his party's political problems in the columns of the *Democrat*, and in 1849 he wrote from Washington an account of how the Wilmot Proviso was introduced by northern Democrats to attract votes to their party on the slavery issue. He had voted for the principle of the Proviso, Wentworth wrote, when he was in his first Congress. At that time Robert Winthrop, Massachusetts Whig, had introduced an amendment to the Oregon bill providing for the exclusion of slavery from Oregon. In the next Congress, when President Polk proposed to buy a portion of Mexico, Wentworth continued, no one doubted but that Winthrop or some other Whig would introduce an amendment to the new bill similar to that incorporated in the Oregon bill. At this point, Wentworth explained, "a few of us democrats held a consultation which resulted in making Mr. Wilmot the first man to offer" a Democratic amendment against the extension of slavery. Up to this time, Wentworth said, no one had attempted to make the issue a party question; but during the vacation following the session in which Wilmot's Proviso had been introduced, a group of southern leaders developed a plan to beat the Proviso and annex slave territory. Because the Democrats controlled the presidency and both houses of Congress the pro-slavery leaders decided to make the issue of slavery in the territories a question of allegiance within the Democratic party. Subsequently every effort had been exerted by the South to make the Democratic party the party of slavery extension, and northern Democrats were persuaded to shut their eyes "to the designs of the South upon the New Territories and to the iniquities of the slave trade in this District."⁶

The Democratic party had a strong machine in his district which John Wentworth had helped to build. He was firmly attached to the traditional platform of his party in such matters as a national bank and protective tariffs. He believed that the slavery issue was a temporary one, forced upon the northern segment of the Democratic party by the South. When the slavery issue was dead, as it would be when the Wilmot Proviso was applied to the territories, the bank and the tariff would again become the fundamental issues between the parties.⁷ For the moment, however, opposition to slavery extension was the only expedient policy in northern Illinois.

⁶ *Chicago Daily Democrat*, January 24, November 13, 1849.

⁷ *Ibid.*, February 9, 1849.

Wentworth's opposition to slavery expansion caused Democrats in central and southern Illinois to look upon him as a traitor to the party; but "Long John" was not the only Democratic politician in northern Illinois to experience difficulties within the party on this issue. Others, too, recognized the popularity of the Free-Soil movement in their districts and reported to critical colleagues in the south the necessity to court the free soilers. For example, when Thompson Campbell, Democratic leader in the Galena district, discovered his friend Charles Lanphier, editor of the *Illinois State Register*, indiscriminately attacking all Democrats who advocated barring the extension of slavery into the territories, he warned him of the popularity of the movement in the north and promised that later in a personal interview he would "reveal some of the hidden charms of 'free soil'."⁸ Other leaders from the north wrote in like vein, condemning the extremism of Wentworth, but explaining that the make-up of their own constituencies forced them to adopt the Free-Soil program.⁹

Wentworth's vacillations, both in his newspaper columns and in his speeches in Congress, between 1848 and 1856 (in the latter year he and his newspaper ceased to support regular Democratic nominations) show the versatility with which Wentworth worked to keep the Democrats united in his district and how at the same time he strove to attract the anti-slavery votes so necessary to keep the party in power.

Speaking as a Democrat Wentworth insisted through the period between 1848 and 1856 that the slavery issue should not be made a test of allegiance to the Democratic party. In his opinion the party as a national organization ought to take a stand against banks and protective tariffs but on the slavery issue should permit each locality to take whatever might be the expedient position.¹⁰ He wanted the party in Illinois to take the same attitude, thus letting northern Democrats pursue an anti-slavery policy without interference.¹¹ In 1848, for example, when Illinois Democrats were preparing to choose delegates to the party's national nominating convention, Wentworth proposed that instead of choosing delegates at a general state con-

⁸ Thompson Campbell to C. H. Lanphier, December 4, December 21, 1848, Lanphier MSS. In Illinois State Historical Library.

⁹ E. Wilcox to A. C. French, December 7, 1850, A. C. French MSS. In Illinois State Historical Library; Chicago *Daily Democrat*, February 10, 1952.

¹⁰ Chicago *Daily Democrat*, February 5, March 4, April 18, 1848.

¹¹ John Wentworth to A. C. French, December 19, 1847, A. C. French MSS.

vention each congressional district in the state should hold a convention and nominate its own delegate. Under his guidance the Fourth Congressional district did elect such a delegate, an anti-slavery man. Downstate Democrats were bitter over Wentworth's pre-convention activities. They did not have a large anti-slavery constituency as he did, and they felt that Wentworth was pursuing a policy which would divide the party and "denationalize" it. Wentworth's maneuver was defeated in 1848, and Illinois Democrats sent a delegation, picked at a general state convention in Springfield and pledged to Lewis Cass, to the party's national convention.¹²

During the period of the 1848 Baltimore convention in which Cass was nominated as the Democratic presidential candidate and while the preliminary local organization meetings were being held in the Chicago area, John Wentworth was in Washington attending to his duties in the Congress. He was not always able when absent to control his newspaper or to manage the politics of his district as firmly as he would have liked. In his absence considerable hostility developed in northern Illinois to the Cass nomination; and, though the *Democrat* did nothing to spur the criticism of Cass, it showed no eagerness to spring to his defense. The Fourth District convention, which renominated Wentworth, dramatically refused to endorse Cass. Downstate Democrats blamed the defection in the North on Wentworth; but when, in mid-summer, Wentworth returned to Chicago, the campaign for Cass in the north took on new vigor. The truth was that Wentworth had no enthusiasm for Cass and was not a little sympathetic with the principles of Van Buren's campaign; but he believed that the only result of supporting Van Buren would be to throw the victory to Taylor; and Taylor's election, he believed, would be a calamity.¹³ Cass's position on slavery was not acceptable to Wentworth; but he assured his newspaper readers that Cass would sign a rivers and harbors bill and was sound on other traditional Democratic policies, while Taylor was a southern slave owner, who would use all his resources as president to protect his property and support southern interests.¹⁴ After Wentworth's

¹² C. H. Lanphier to John A. McClernand, January 16, 1848, McClernand MSS. In Illinois State Historical Society; Joseph McRoberts to Lanphier, March 1, 1848, and John A. McClernand to C. H. Lanphier, March 4, 1848, Lanphier MSS. John Wentworth to A. C. French, April 13, 1848, A. C. French MSS.

¹³ John Wentworth to E. S. Kimberlay, June 27 and July 23, 1848, Kimberlay MSS. In Chicago Historical Society Library.

¹⁴ Chicago *Daily Democrat*, May 29, June 21, September 26, November 2, 31, 1848.

return the *Democrat* placed the name of Cass at the head of its columns and vigorously supported the regular party nominations.

Though Wentworth had swung into line and proved his party regularity during the election crisis, once the election was over and Cass had been defeated (very decisively in Chicago, it proved, where Van Buren led the field) Wentworth began to attack the Nicholson letter in which Cass had stated his position on the slavery question. In this letter Cass had proposed that the territories should be permitted to decide the slavery question in their own way without interference from the federal government. The *Democrat* informed its readers that Cass's policy had been motivated by a desire to mollify the South, and that the election returns now demonstrated that a northern Democrat could stand on no program but that of absolute opposition to slavery extension.¹⁵

The difficulty that "Long John" faced in his district and in his party in these years is reflected in the way in which he gravitated between contradictory policies. When members of his party criticized him for his anti-slavery activities he cried for non-interference by one district in the affairs of another. But often in discussing national aspects of the slavery problem he insisted that northern Democrats were traitors to their party and their section, if they were not anti-slavery protagonists.¹⁶

In 1850 Wentworth decided to retire from Congress, and the Democrats of the Fourth District nominated Richard S. Moloney to replace him. Like Wentworth Moloney was a free soiler,¹⁷ and during the campaign the *Illinois State Register* refused to support him. The *Democrat* announced that the policy of the *Register* was caused by personal hostility to Wentworth on the part of those who managed the Springfield paper and that the *Register's* action did not represent the general feeling of the party in the state. Again the *Democrat* raised the plea for local party independence on the slavery issue.¹⁸

The hostility toward Wentworth within his own party was demonstrated again in 1852 when at the state convention of the Democratic party in Springfield a resolution was introduced to expel Wentworth from the convention and the party. In this resolution condemning Wentworth special emphasis was put on his

¹⁵ *Ibid.*, November 14, 1848; September 11, 1849.

¹⁶ *Ibid.*, June 2, 1848; June 14, September 18, 1849.

¹⁷ *Ibid.*, September 11, 12, 13, 1850.

¹⁸ *Ibid.*, October 21, 30, 1850.

opposition to the Compromise of 1850.¹⁹ This resolution was not carried in the convention and later Wentworth, who had indicated his desire to go to Congress again, was nominated by the regular Democratic convention of the new Second District and was elected.

In his own congressional district Wentworth was often hard pressed to keep the free soilers and the more conservative Democrats united within the party organization. In 1848 there was a desperate struggle at the district nominating convention between the pro-Wentworth and anti-Wentworth factions. The pro-Wentworth faction gained control of the convention, refused to seat the anti-Wentworth bloc, adopted an anti-slavery platform, and nominated Wentworth. The group that had been expelled from the convention organized an independent meeting and nominated Jesse B. Thomas as their candidate. It was later revealed that the anti-Wentworth group had anticipated that Wentworth would not support Cass and in this eventuality wanted to have an embryonic organization in existence to support the regular party nominations. When it became certain that Wentworth did not plan to oppose Cass, Thomas withdrew from the campaign.²⁰ Two years later a serious threat to Moloney's candidacy developed when the independent Free-Soil organization nominated William B. Ogden as its congressional candidate. Ogden's nomination occurred when he was absent from the district, and Wentworth put strong pressure on Ogden to withdraw in favor of Moloney, arguing that both men occupied the same ground on the all-important slavery issue.²¹ Finally Ogden catechized Moloney on his slavery principles, and when he received a satisfactory answer, Ogden withdrew from the race.²²

In the great congressional battle over California and the newly acquired Mexican territories, which culminated in the Compromise of 1850, Wentworth and the *Democrat* stood firmly for applying the Wilmot Proviso.²³ "Long John" opposed compromise during the debates themselves; for he believed that the sooner the North opposed southern attempts to extend slavery the sooner agitation on the slavery issue would end.²⁴ He contended that only the passage of the Wilmot Proviso would silence the agitation. He was

¹⁹ *Ibid.*, April 28, May 26, 1852.

²⁰ A. J. Galloway to A. C. French, June 9, 1848, A. C. French MSS.; Joseph McRoberts to C. H. Lanphier, June 15, 1848, Lanphier MSS.; Chicago *Daily Democrat*, June 20, 1848.

²¹ Chicago *Daily Democrat*, September 19, 23, 24, 1850.

²² *Ibid.*, October 11, 1850.

²³ *Ibid.*, January 3, 1849; January 8, 18, March 11, 22, 1850.

²⁴ *Ibid.*, April 26, May 7, 1850.

one of the leading opponents of the slave trade in the District of Columbia. He judged the Fugitive Slave law to be a violation of human and state rights and viewed its passage as a capitulation by the "dough-faces."²⁵

The aggressiveness of the South was one of Wentworth's major themes in this period. The South sought control of the national government only to protect and advance its own interests, and all of these interests were inextricably intertwined with the institution of human slavery. The South persuaded northern men to serve its interests by a system of clever political bribery.²⁶ At every point, as a result, the natural development of the free North was blocked by the southern slave power. The South was responsible for blocking the passage of river and harbor bills, thus denying funds for internal improvements to the North, while the South had little difficulty, through individual bills, in gaining subsidies for any improvement in which it might be interested. Free homesteads would encourage free labor to move into the territories, thus endangering the slave-owner's hold over them; and so the South opposed a homestead law. Wentworth warned the Northwest on several occasions that the South would be willing to give support to the eastern industrialists for a protective tariff, if in return the East would join the South in preventing the application of the Wilmot Proviso to the territories.²⁷ The South opposed immigration because it increased the importance of free labor in the nation's economy. In all its machinations the South possessed the advantage of having undue control over the electoral college, the House of Representatives, and the Supreme Court.²⁸ Thus ran Wentworth's attack upon the South as it was developed in the columns of the *Chicago Democrat*.

At every turn in the debate, nevertheless, Wentworth showed his desire to stay in the Democratic Party. He worked hard to prevent the party from taking a national position on the slavery issue and labored with equal zeal to show that the Whig Party was not consistently anti-slavery but in reality often pro-slavery. When the slavery issue threatened to split his party, Wentworth worked for unity. He often supported moderate candidates, especially for national office, believing that moderates could unite anti-slavery and

²⁵ *Ibid.*, July 18, 1850.

²⁶ *Ibid.*, June 3, 10, 13, July 18, 26, 1850.

²⁷ *Ibid.*, May 18, August 2, 1850.

²⁸ *Ibid.*, January 18, 19, 1849.

pro-slavery elements in the party. In 1849, for example, Thomas H. Benton was Wentworth's choice for the next Democratic presidential nomination;²⁹ but after the passage of the Compromise the *Democrat* began to speak of Stephen A. Douglas as the candidate who could best unite the party.³⁰

Though "Long John" had opposed the compromise during the debates, once it had been adopted he accepted it and concluded that its enforcement would end the slavery controversy.³¹ In the session of Congress following that which had passed the compromise Wentworth announced that he had two major objectives, to secure the passage of a rivers and harbors bill and to reduce postal rates.³² However, before debate had proceeded far on the rivers and harbors question "Long John" had linked the opposition to it with the southern conspiracy against the North; and the *Democrat* predicted that the South would rally all its forces to defeat the bill.³³ When agitation developed against the Fugitive Slave Law Wentworth alleged that the South, because it had insisted upon maneuvering the passage of the bill in the first instance, was the source of all the trouble;³⁴ but he also stated at a later date that the Abolitionists would be disappointed at the repeal of the bill because then their only basis for further agitation of the slavery issue would have been removed.³⁵

Between 1850 and 1854 Wentworth believed that slavery was not any longer an issue of primary significance. He continued to advocate Douglas' nomination for the presidency up to 1852, talked of unity among all Democratic factions, and insisted that the party must not take any position whatsoever on slavery. When Pierce was nominated in 1852 the *Democrat* enthusiastically supported his campaign. In 1852 and 1853 the columns of the *Democrat* carried but few items concerning the slavery issue and very little criticism of southern policies. Much more prominent were notices of how Cass and Van Buren Democrats were uniting behind the old Democratic principles of Jackson.³⁶ In December of 1853, for example, Wentworth wrote approvingly to the *Democrat* from

²⁹ *Ibid.*, June 4, 14, 21, 1849; May 3, 1850.

³⁰ *Ibid.*, October 29, 1850; July 11, November 25, 1851.

³¹ *Ibid.*, December 20, 1850; January 23, 1851; April 9, 1852.

³² *Congressional Globe*, 31 Cong., 2 Sess., 16, 22-23.

³³ *Chicago Daily Democrat*, March 7, 28, 1851.

³⁴ *Ibid.*, December 13, 1850.

³⁵ *Ibid.*, April 10, 1851.

³⁶ *Ibid.*, May 7, September 19, 1851; January 15, 1852; December 17, 1853.

Washington that Pierce was giving offices to representatives of all factions in the party, demanding only "an acquiescence in the compromise measures as the law of the land." As for the slavery issue, Wentworth informed his constituents that "It is generally admitted now that there can be no more capital made out of the agitation of the slavery question and that he who agitates in favor of the compromise measures is equally to be censured with him who agitates against them."³⁷

When early in 1854 Douglas introduced the Kansas-Nebraska Act and the slavery debate was renewed, Wentworth was hostile to the measure; but there was a strange silence on the Kansas-Nebraska issue in the *Democrat*. This silence caused some confusion among Wentworth's constituents over his stand on the Kansas-Nebraska bill. As late as May 20, 1854, the *Democrat* found it necessary to assure its readers that Wentworth had opposed the Kansas-Nebraska bill from the beginning.³⁸ Two days later Wentworth wrote home from Washington that he had opposed the bill.³⁹ Early in June the *Democrat* expressed the fear that its silence on the issue might be "construed into acquiescence."⁴⁰ But late in the same month the *Democrat* expressed the opinion that the controversy over "the Nebraska business" need not demoralize the party and that Democrats ought to "leave its agitation to Whigs and Abolitionists."⁴¹ Wentworth at this time was reluctant to move into open opposition to Douglas in Illinois. Apparently he had some political maneuver in mind in which he needed Douglas' friendship, and he was uncertain about the reaction of his district to the Kansas-Nebraska issue. On June 30 in a private letter to Mason Brayman he asked Brayman to tell the editor in charge of the *Democrat* "to leave the whole negro & slavery question, direct & indirect, to me." He continued:

Bradley writes me in great difference from me, & although I have been writing him ever since the controversy commenced to leave the matter entirely to me, he thinks I do not know public sentiment, etc.

Now just say to your brother that what I think about negroes, slaves, slave trade, etc., etc., I will send home. Why, in my own District, the Democrats are as wide apart as the poles, & what will get me votes in Cook will kill me in Rock Island. And everything in the paper will meet me at the polls.

³⁷ *Weekly Chicago Democrat*, December 17, 1853.

³⁸ *Chicago Daily Democrat*, May 20, 1854.

³⁹ *Ibid.*, May 22, 1854.

⁴⁰ *Weekly Chicago Democrat*, June 3, 1854.

⁴¹ *Ibid.*, June 24, 1854.

Tell your brother that we Illinois politicians are all covered with corns & it is hard to tread anywhere without making someone scream. The following rule will make him as safe an editor as old Van Buren was a politician in early days:

Commit the paper to nothing! Never say 'we think'. But state facts & let the people from the facts form their own opinions—do their own thinking. My friends are thinking all sorts of ways on this Nebraska bill, & I do not want to offend them just now.

If Bradley wants articles written about slavery, let your brother advise him to wait until I come home, as the time is so short, & manage it any way to keep him cool until I come home. In trying to kill Douglas, some of my indiscreet friends will bury me ten feet under ground.⁴²

As the weeks passed the anti-slavery elements in Wentworth's district organized a vigorous attack on the Kansas-Nebraska Act; but Wentworth and the *Democrat* were content with a few scattered attacks upon the South and its aggressive protection of the slave interest. During the Fall election campaigns the *Democrat* insisted repeatedly that the Kansas-Nebraska Act must not be made a test of party allegiance, that slavery must not be an issue within the party.⁴³ On October 7, 1854, after most of the county Democratic organizations in his district had pledged their support to him, Wentworth announced that he did not want to run for Congress again. He explained that Douglas' vote against the rivers and harbors bill in the last Congress and the Kansas-Nebraska Act had created a situation within the party which called for a compromise candidate, who, as a true Democrat could get the votes of all factions of the party.⁴⁴ When the Second District Democratic convention nominated such a compromise candidate, Edward L. Mayo, on a platform condemning any attempt to make slavery an issue within the party, the *Democrat* loyally supported his campaign.⁴⁵

In the election in November Mayo was decisively defeated by James H. Woodworth, the Republican candidate. His defeat was but another witness of a fact that had been apparent since the Kansas-Nebraska bill had been passed—that the repeal of the Missouri Compromise was very unpopular in northern Illinois.⁴⁶ After the election Wentworth began in the columns of the *Democrat* to speculate upon

⁴² John Wentworth to M. Brayman, June 30, 1854, Mason Brayman MSS. In Chicago Historical Society Library; *Weekly Chicago Democrat*, August 4, 19, 1854.

⁴³ *Weekly Chicago Democrat*, September 23, 1854.

⁴⁴ *Ibid.*, October 7, 1854.

⁴⁵ *Ibid.*, October 14, 21, 28, November 4, 1854.

⁴⁶ *Ibid.*, November 11, 1854.

the future of his party. He feared that the renewal of the slavery issue would split the party. Wentworth's return to Washington in December was followed by the appearance in the *Democrat* of a bitter hostility toward Douglas and the South. Douglas was pictured as consistently sacrificing the interests of the North to those of the South. Not only had he reopened to slavery the territories closed to it under the Missouri Compromise but he had opposed the rivers and harbors bill and had proposed a harsher fugitive slave law.⁴⁷ The *Democrat* accused Douglas of flirting with the Know-Nothing movement, a movement attractive to the South, the *Democrat* alleged, because of that section's fear of the competition of free foreign labor with slave labor.⁴⁸ And finally the *Democrat* had discovered Douglas' motive; he was a slave-owner and would profit from the Kansas-Nebraska Act:

The clanking of chains is already heard and the slave driver's whip is in every settler's hand. It cost the democracy its power to carry this point. But what cares Judge Douglas for this? A new market is opened for his slaves and he will make his thousands.⁴⁹

The events of 1854 served then to convince Wentworth that there must be no compromise with the South.⁵⁰ The reaction of the anti-slavery groups in his district showed him that for political reasons alone there could be no such compromise. Yet for a long time he drifted, expressing his indecision in the editorial columns of the *Democrat*. He did not want to leave the Democratic party, though he recognized clearly that the party might very well soon be split along sectional lines.⁵¹ As early as 1853 he had characterized the anti-slavery "fusion" movement as an attempt by Greeley to revive the Whig Party under another name;⁵² and he continued to be critical of all attempts to group anti-slavery men of all opinions into one anti-southern political movement.⁵³ He repeatedly condemned the Republican Party as but a new aspect of "Whiggery" and warned Democrats to remain free of it.⁵⁴ Slowly, however, he did move toward what he preferred to call "Fusion," a coalition in which men would unite to defeat the southern slave power but at

⁴⁷ *Ibid.*, March 17, October 27, 1855.

⁴⁸ *Ibid.*, December 16, 1854; April 7, May 12, June 9, October 20, 1855.

⁴⁹ *Ibid.*, April 7, 1855.

⁵⁰ *Ibid.*, June 2, 1855; June 7, 1856.

⁵¹ *Ibid.*, June 30, September 15, October 27, 1855.

⁵² *Ibid.*, September 10, 1853.

⁵³ *Ibid.*, February 17, November 3, 1855.

⁵⁴ *Ibid.*, June 30, December 1, 1855.

the same time maintain their allegiance to the old parties on the basic economic issues.⁵⁵

In 1856 Wentworth moved steadily away from the regular Democratic organization toward cooperation with the "Fusion" movement. On April 12, declaring that its sympathies still lay with the Democratic Party, the *Democrat* announced that it would support John C. Frémont for the presidency in 1856.⁵⁶ When a movement was organized to hold a convention at Bloomington, Illinois, of all those opposed to the extension of slavery regardless of party the *Democrat* was at first critical; but by May it had moved to support the Bloomington convention and had endorsed the national convention of anti-slavery men to be held in Philadelphia.⁵⁷ Wentworth attended the Bloomington convention and was from that time a leader in the "Fusion" movement in Illinois. When Frémont was nominated in the Philadelphia Republican convention the *Democrat* placed his name at the head of its columns.⁵⁸ Still Wentworth insisted with great vigor that he was not a Republican, that he remained a Democrat, uniting with men of other parties in the crisis. In 1856 as in 1848 he believed that there were only two important issues—slavery extension and rivers and harbors.⁵⁹ Until the South was forced to yield to the North its just rights in these matters, "Long John" was prepared to fight side by side with true anti-southern men of all parties.

STANLEY L. JONES

University of Illinois
Navy Pier

⁵⁵ *Ibid.*, December 1, 15, 1855; April 5, 26, 1856.

⁵⁶ *Ibid.*, April 12, 1856.

⁵⁷ *Ibid.*, March 22, April 12, May 3, 10, 1856.

⁵⁸ *Ibid.*, June 7, 1856.

⁵⁹ *Ibid.*, May 10, June 21, 1856.

Jesuit Exiles, Precursors of Mexican Independence?

Historians have accepted as logical and almost self-evident that the exiled Jesuits participated and even assumed the initiative and leadership in the revolt and emancipation of the Spanish American Colonies. With the Jews and Freemasons, they were credited with making up the three "Brotherhoods" who spelled the doom of Spanish domination in the New World. The purpose of the present study is to examine to what extent and in what sense one group of these exiles, those expatriated from Mexico from 1767 to 1814, cooperated in this movement of independence.

It will be recalled that in 1767 Charles III of Spain, for reasons he "kept locked in his royal breast"—the phrase is his—, had decreed the expulsion of all members of the Jesuit Order from Spain and its dominions. The royal decree affected over five thousand educators, missionaries, and sacred ministers. Madariaga holds:

The expulsion of the Jesuits was unfortunate for Spain The loss was even greater in the Indies Another spiritual link, and possibly the most important one, was snapped between the Indies and Spain; for the White, rich and conservative classes which were the chief standby of Spanish rule in the Indies were profoundly religious Suddenly this Spain of the sceptre and the Cross, from the very King heir to Ferdinand and Isabel came that most tangible proof of Voltaire's philosophy: 'Out with the Jesuits'. On that day, the King of Spain with his own hands cut the most solid link between his Crown and his subjects overseas.¹

Bancroft also placed the expulsion of the Jesuits among the causes of national independence, though he was studying only that of Mexico, but he believed that it was among the lower orders that there was the greatest resentment.

Excessive taxation galled and irritated; the venality of officials and the corruptness of the judicial courts caused indignation; while the expulsion in 1767 of the Jesuits, who had ingratiated themselves in the hearts of the lower orders, insulted the people in their dearest affections.²

¹ Salvador de Madariaga, *The Fall of the Spanish Empire*, New York, 1948, 281-282; for a critical evaluation of what Madariaga states in this volume about Jesuit participation in Spanish American independence, see *Archivum Historicum Societatis Jesu*, XXII, Rome, 1953, 642-644.

² Hubert H. Bancroft, *History of Mexico*, San Francisco, 1890, IV, 17.

From the notorious secret report made by the order of his immediate predecessor, Charles III knew that the charges alleged in his fatal decree were false.³

A very few Jesuits, too aged or ill to set out on the long road of exile, were allowed to die in designated monasteries; far more numerous were those who perished from the hardships of the journey or who were imprisoned on various pretexts upon their arrival in Spain. Foreign missionaries, theoretically at least and often in fact through pressure of their national government, were permitted to proceed to their native country. The rest were deported to Italy and here pensioned on a mere pittance in order to make them completely dependent on the Spanish government. Of the 680 Jesuits of the Province of Mexico affected by the decree of expulsion, some 450 had been born in New Spain. Before and after the Bull of suppression issued by Clement XIV on July 21, 1773, these exiles lost neither their love for their native land nor their hope of returning. Time but intensified both.

At this point began the theorizing that led to the legend that many Jesuit exiles had a hand in liberating their countries from Spanish domination. True, most writers on this movement cited only one ex-Jesuit by name—the Peruvian, Juan Pablo Viscardo, whose pamphlet “A Letter to the Spanish Americans” Carlos Pereyra did not hesitate to call “the act of independence of Hispanic America.” A few historians added a second name—the Chilean, Juan José Godoy. From these two promoters of national liberation, writers generalized into stating that many Jesuits had collaborated in the movement.⁴ That such participation was more than justified by the injustice done them, seemed evident enough; the next mental

³ Lucas Alamán, *Historia de Méjico*, Mexico City, 1942, I, 73, especially his conclusion, “Entre todas [las ordenes religiosas] los jesuitas se habían hecho recomendables por la pureza de sus costumbres y por su celo religioso, siendo notable el contraste que presentan los mismos D. Jorge Juan y D. Antonio Ulloa en su citado obra [i.e. en el informe secreto hecho al rey Fernando VI].”

⁴ “Pero como precursores o promotores, propiamente hablando, de la independencia hispanoamericana se conocen solamente a Juan José Godoy y al abate Viscardo—quizás con un pequeño grupo de exiliados, huídos de Italia y refugiados, como ellos, en Londres, pero insuficientemente documentados.” Such is the conclusion of the scholarly study, based on copious manuscript material, by M. Batllori, S.J., *El abate Viscardo: historia y mito de la intervención de los jesuitas en la independencia de hispanoamérica*, Caracas, 1953, 87. It may be worth noting here that the title “abate” does not mean that Viscardo was a priest; he left the Jesuit Order on January 3, 1769, before receiving major orders and did not afterwards continue his studies toward the priesthood; hence, the title “Padre” or “Father” often bestowed upon him by historians is inaccurate.

step to the conviction that they actually participated was usually taken without further investigation.

Here and there the names of non-existent Jesuits or of those long deceased were cited in documents, lending as a result consistency to the legend. Thus it was stated that the ex-Jesuit, F. J. Marcano y Arizmendi (or Arismendi), cooperated in the British plans against Buenos Aires in 1781 and 1782.⁵ The eminent Mexican historian of the antiquities of his country, Francisco J. Clavigero, was credited by Miranda with sending to Viscardo in London an account of the population of New Spain. This would be a serious charge if it were true and would give us proof of one Mexican ex-Jesuit among the collaborationists. Viscardo did not go to London until 1791, whereas Clavigero had died on April 2, 1787.⁶

There were two motives for attributing separatist schemes to the ex-Jesuits. The first was the abnormal fear of the Spanish government through whose emotional skies there seemed to whirl as many Jesuits as we have flying saucers; the second, the advantage accruing to the patriots by associating the names of these exiles with their independence movement.

Spanish officials followed the same logical path as have historians: "The exiled Jesuits have strong motives for promoting national independence; therefore they will do so." Further, the Spanish government was aware of the many attempts in the past and present on the part of Indians and Spanish Americans to revolt against authority. The independence of United States, helped and recognized by Spain, set a dangerous example to the New World. The dramatic part played more than a century earlier by the ex-friar Thomas Gage was not forgotten: he had disclosed to Cromwell the weak points of the northern Spanish colonies and then accompanied the English expedition to the Gulf of Mexico which resulted in the seizure of Jamaica.⁷ A foreign power could, with the guidance of the ex-Jesuits, only too easily avail itself of all these past experiences for a successful attack upon the Spanish overseas empire.

⁵ Madariaga, 282, but cf. Batllori, 97-99, who notes that official records list no such Jesuit and a judicial investigation showed that he was not a Jesuit.

⁶ Batllori, 104-107.

⁷ *Nueva relación que contiene los viajes de Tomás Gage en la Nueva España*, Guatemala, 1946, V-XXVIII. Batllori, 286 gives the text of Louis Dupérou, secretary of Miranda in London, who recalls in 1800 the part that Gage once played. The exiled Mexican Jesuits were as far from approving his treason as they were of imitating his apostasy; in their writings they consistently condemn both.

How jittery Spanish officials were at the time may be seen from two instances in Mexico. The simple Indians of the north deceived one group into believing that a certain Jesuit, Martín Rojas, was actually doing nothing less than carrying on an armed expedition along the outermost fringe of the kingdom. Another Jesuit, whom informants knew merely as a "native of the Real de Bolañas," was several times reported in and about Mexico City. This phantom Jesuit and his brother ghost became the subject of numerous letters between the Viceroys of Mexico and the Spanish Prime Minister, Conde de Aranda.⁸

In regard to the second motive, it was logical enough that the patriots should seek the cooperation of those who could win acceptance for the independence movement among influential groups in their respective countries. If the Jesuits refused to collaborate, which they did, almost to a man, then the next most effective policy was to cite their names in order to give the impression that they were associates. Their names would be used for their propaganda value. Thus, while Miranda was in Italy he obtained his list of three hundred exiled Spanish American Jesuits, yet he was one to believe that more than a "very few"—such are his words to the British Prime Minister Pitt—"might be of very great service" in his project of liberation.⁹ Viscardo also drew up a long list of Jesuit exiles in order to give greater authority to his indictment of Spanish rule and his plea for independence.¹⁰

Lists of names however long do not add up to collaboration. When we come to those we are considering in this study, we find that the Mexican Jesuits penned no flaming protests, they issued no summons to rebel against constituted authority, they participated in no conspiracy either at home or abroad.¹¹ Most did not even mention in their numerous publications the 1767 expulsion from New Spain; the few who did, set down an objective account of

⁸ *Documentos sobre la expulsión de los jesuitas y ocupación de sus temporalidades 1772-1783*, Mexico City, 1949, 13-16, 134-140.

⁹ Batllori, 108.

¹⁰ On pages 16-19 of both original editions of his *Lettre aux espagnols américains*, Philadelphia, [sic for London], 1799, and *Carta derijida* [sic] a los españoles americanos, London, 1801; both pamphlets are reproduced photostatically in Batllori, appendix. Miranda in editing the famous *Letter* of Viscardo made the mistake of placing nearly all the Jesuit exiles from Spanish America under the heading of the Province of Mexico.

¹¹ When the Mexican Inquisition condemned Viscardo's *Letter*, the Inquisitors gave clear testimony of the affection of the Mexican people for the exiled Jesuits and heap much abuse on the latter, but they do not cite one instance of any Mexican Jesuit conspiring against Spain. Batllori, 304-309, reproduces the decision of the Inquisition.

facts. And yet they deserve, it would seem, the title bestowed upon them, "Precursors of Mexican Independence," because they proved to both Europeans and their countrymen that their native land with its distinct culture had come of age, that it was worthy and capable of a separate existence, thus preparing the way for others to free themselves from a burdensome and disadvantageous tutelage. Not all issues are decided on the battlefield; Silvio Pellico's *Le mie Prigioni* did more to free his country than a military victory.

But in what did this influence specifically consist? To answer this question, let us first see in brief outline the literary and scientific production of the Mexican Jesuit exiles; then we can turn our attention to those elements and aspects of their writings which effectively contributed to fashion a national consciousness among their countrymen.

These writings were of the most varied nature. Had their authors met to apportion the topics to be taken up, they could hardly have covered a wider range. F. J. Clavigero dedicated many years of intense research to a study of ancient Mexico before the arrival of the Spaniards; his theme was continued by Andrés Cavo to embrace the colonial history of Mexico. Clavigero, after writing the history of Lower California, intended to turn his attention to the ecclesiastical history of his country. Biography was a favorite genre employed by the exiled Jesuits to make the Mexicans conscious of their eminent men. Luis Maneiro published first three volumes of thirty-five lives of prominent Mexican Jesuits and then singly those of several others, Jesuit and non-Jesuit. Manuel Fabri wrote the life of the historian F. J. Alegre and of the epic poet Diego Abad. Cavo published the biography of the popular orator J. J. Parreño.

Alegre, the most prolific of all, wrote a second version of the history of the Jesuits in New Spain, and numerous treatises on mathematics; he revised and published his original epic on Alexander the Great, and made several elegant Latin translations of the twenty-four books of the Iliad; he wrote eighteen books (in seven large volumes) on theological subjects. Such is a very incomplete account of his literary activity in exile; in Mexico he had left among numerous other writings his detailed history of the Jesuits and his philosophical treatises.¹²

¹² For Alegre's writings, see E. J. Burrus, S.J., "Francisco Javier Alegre . . ." in *Archivum Historicum Societatis Jesu*, *loc. cit.*, 492-500. Key passages from nearly all the Mexican Jesuit writers mentioned in the present study can be found in Gabriel Méndez Plancarte, *Humanistas del siglo XVIII*, Mexico City, 1941.

Andrés de Guevara y Basoazábal wrote a philosophical text book, which went through several editions during and after his lifetime. Pedro J. Márquez published numerous works on architecture and esthetics in order to show Europeans what the Indians of New Spain had accomplished in these fields and to make known to his countrymen the wonders of Italy. Antonio López de Priego kept a journal of his first eighteen years of exile; in it he compares his native land to that of his bitter exile. No purer "Mexicanidad" has ever found its way into print than these pages destined only for his sister.¹³

In poetry Rafael Landívar deserves first place with his Mexican Georgics (*Rusticatio Mexicana*), which continue to find new editions in the original Latin and in translation (several in Spanish and one in English).¹⁴ Abad's sacred epic on God and His Divine Son (*De Deo Deoque Homine Heroica*) first appeared in a pirated edition, followed by at least five new editions within a few years.¹⁵

Maneiro was the finest of the lyric poets. Although his poems were not published until recently, they left their impress upon his numerous friends and acquaintances in Mexico. What Mexican would not have been moved to sympathetic pity by the poet's poignant plea to the Spanish King and, when refused, to indignation?

Sepultura, señor, en patrio suelo
pedimos a tu trono soberano;
quisiéramos morir bajo aquel cielo
que influyó tanto a nuestro ser humano.
No pedimos, gran Rey, mayor consuelo;
para nosotros todo fuera en vano,
a golpes del trabajo consumidos,
en las nieves de Italia encanecidos.¹⁶

Alegre and Abad, who wrote their best lyrics on Our Lady of Guadalupe, make up together with Maneiro the trio of outstanding lyricists among the Mexican Jesuit exiles.

¹³ Mariano Cuevas, S.J., printed the journal in *Tesoros documentales de Mexico, siglo XVIII*, 15-177.

¹⁴ The discerning classical scholar, Graydon W. Regenos, published the Latin text (from the 1782 edition) with an excellent English translation in Publication No. 11, 155-314, of the Middle American Research Institute, New Orleans, 1948.

¹⁵ Edited by his companion Manuel Fabri (Cesena in Italy, 1793).

¹⁶ Méndez Plancarte, p. XII; Maneiro's poems were discovered by this same Mexican scholar and published in Mexico City under the title "*9 poemas inéditos del P. Juan Luis Maneiro (1744-1802)*," as number 16 in the *Abside* Collection.

The two Jesuits who most profoundly influenced their companions were José Rafael Campoy and Agustín Castro, both men of encyclopedic interests, who gave so freely of their knowledge and of their time that neither left hardly anything in writing of his own nor did either publish in Italy a single line. They both insisted on a study of modern philosophy, the acceptance of what was true in it and the rejection of what was false in scholastic philosophy; both were convinced that much in modern philosophy was compatible with Catholic doctrine and scholastic philosophy; both also insisted on the importance of experimentation in the physical sciences. Castro turned his attention to archeology as a solid basis for the study of ancient Mexican civilization; research, not heated disputation, led to truth, he never tired of repeating.¹⁷

The second part of our study is a consideration of those elements and aspects of the writings of the Mexican Jesuit exiles which effectively contributed to form among their countrymen a distinct national consciousness. Fortunately, they did not show themselves exaggerated nativists, a danger to which they could only too easily have succumbed. They set forth and even emphasized to the extent then necessary what the Indians had accomplished in every sphere, but at the same time they generously and unhesitatingly recognized the vital and decisive contribution of Spanish culture. Only a garbled version of their writings can represent them as anti-Spanish. To this stand, none proved an exception; true, Cavo has been cited as such, but quotations to support this claim are taken from a defective and doctored edition of his history of Mexico.¹⁸

Nor did the Mexican Jesuits expend their efforts in attempting to refute directly the charges brought against them in the decree of Charles III and in pamphlets inspired by the same spirit. They repaid ingratitude and calumnies with a copious outpouring of their cultured minds. In so doing they made a defence as lasting as

¹⁷ For Campoy, see Maneiro, *De vitis aliquot mexicanorum*, Bologna, 1791-1792, II, 45-87; and for Castro, the same work, III, 154-209, and Burrus, S.J., "Francisco Javier Alegre". . . , in *Archivum Historicum Societatis Jesu*, loc. cit., 456. José Mariano Beristáin de Souza, *Biblioteca Hispano Americana Septentrional*, Amecameca, 1883, mistakenly attributes several printed works to each.

¹⁸ Bustamante, who edited Cavo's *Historia de México* in 1836 (reprinted in 1852 and 1870) under the title *Los tres siglos de México*, omitted the dedicatory letter of Cavo where he speaks favorably of the work of civilization accomplished by the Spaniards in Mexico, and repeatedly changed "nuestros españoles" to "los españoles"; another edition (Mexico City, 1949) was made by the present writer taken from the manuscript preserved in the University of Texas Library and given its original title of *Historia de México*; see introduction of same.

literature, beauty, and truth can ever effect. Hence, they deserve the title of humanists rather than that of apologists or controversialists.¹⁹

They strove to explain to their hosts and other Europeans the land they were forced to leave, its culture and its way of life. They were convinced that even the Spaniards who were in the best position to know something about the most prosperous and advanced of their overseas dominions, often had false ideas about the Indies. But it was above all for Mexico, their native land, and their countrymen that they wrote. The Jesuits in exile were still educators, apostles and missionaries. Chalk and the blackboard gave way to pen and paper, the lecture stand and the class room to the printed book, the pulpit and the church to entire nations.

True, the Indians and Negro slaves with rare exceptions could not read the books and treatises of their former guides and pastors. Yet even this difficulty was overcome by the exiles, for they wrote the most effective and eloquent defence of these underprivileged groups that has ever been penned in their behalf. They told the world about the native culture of the Indians, their character, their noble moral code, their religion, their sacred traditions, their land and its wonders, their art and architecture, the nature of the languages they spoke, their literary productions, the difficulties they had to face, and in glowing terms how they had come into the fold of Christ more readily than any of the European peoples. If today, one finds relatively few expressions of their ancient culture, this is because of the wholesale destruction at the hands of the conquerors. On this point, Alegre, Márquez and especially Cavo exaggerated, led by their desire to extol the Indian; Clavigero succeeded in striking a more accurate balance.

So much for the nature of their writings in general. Let us now consider very briefly a few of the contributions of the more outstanding authors: Alegre, Abad, Cavo, Clavigero, Guevara, López de Priego, Márquez, Fabri, Landívar and Maneiro.

Alegre argues that there is no legitimate government without the consent of the governed. This was a sharp antithesis to two and a half centuries of Mexican history. Negro slavery he condemned as unjust and he recounted with evident sympathy a successful rebellion of slaves against their cruel masters. He condemned coercion in the evangelization of the Indians as unworthy of fellow men; through hundreds of pages he insisted upon the ability of the

¹⁹ Cf. the title used by Méndez Plancarte.

Indians to accept and observe the demands of Christianity.²⁰ Even in his epic of Alexander the Great, he found occasion to speak of Mexico; the poem closes with a prayer to Our Lady of Guadalupe and the hope that one day he can sing her praises in verses that will be listened to even to the ends of the earth. The epic is accompanied by a dedicatory letter to a former pupil in Mexico.²¹

To both volumes of the 1776 edition of the Latin translation of the Iliad, he prefixed the figure of the goddess and the device of Liberty. After this translation had met with high praise by scholars and academies in Europe, Alegre wrote the Council of the Indies for permission to send copies of it to New Spain.²² The 1788 edition edited by his fellow Jesuit Juan Malo de Villavicencio is dedicated to the Mexican Nation (*Civitas Mexicana*, Alegre's *Patria*), symbolized by the Mexican eagle. He wrote to the eminent Spanish philologist and fellow ex-Jesuit, Lorenzo Hervás y Panduro, to inform him which Mexican Jesuits could furnish him with data on the Mexican Indians, but when Hervás insisted that he continue Eguiara y Eguren's *Bibliotheca Mexicana*, Alegre resolutely refused out of respect for a scholarly compilation for which he did not have at hand the necessary reference works.²³ Evidence of his intense "Mexicanidad" is to be found in his account of the 1767 expulsion of the Jesuits from Mexico. The objective and calm presentation of facts forcefully contrasts the injustice and cruelty of the Spanish decree with the attachment and devotion of the Mexican people. Although this work was not published until recently, it did circulate in manuscript form.²⁴

Diego Abad's two hymns in honor of the Mexican Franciscan, San Felipe de Jesús, pupil of the Jesuits, were incorporated into the Breviary office of the Saint, the first canonized martyr of the New World. Spiritual, pervaded with the charm of inspired poetry, these verses breathe the noblest love of his native land.²⁵ But his most important literary production was, as we have already seen, a sacred

²⁰ Méndez Plancarte, 41-81; there is no change in attitude in Alegre regarding the Indians in his two histories of the Jesuits: *Historia de la Compañía de Jesús en Nueva España*, edited in 3 vols., Mexico City, 1841-1842, by Carlos M. Bustamante, and the briefer version composed in exile, *Memorias . . .*, edited in 2 vols., Mexico City, 1940-1941, by J. Jójón y Caamaño.

²¹ The prayer is found in lines 578-586 of book IV of his *Alexandrias*, Bologna, 1776; the dedicatory letter is at the end of vol. II.

²² This letter was printed in *Archivum Historicum Societatis Jesu*, loc. cit., 502-503.

²³ *Ibid.*, 501-502, for the text of both letters.

²⁴ Méndez Plancarte, gives the more important passages, 77-81.

²⁵ Diego Abad, *De Deo Deoque Homine Heroica*, Cesena, 1793, 21.

epic in some seven thousand hexameters; like Alegre, he too found occasion to give expression to his love of country by his prayer to Our Lady of Guadalupe, the last lines of which are:

Ut memini! Ut videor, te nunc quoque, Virgo, videre!
 Quod fas, hoc facio. Memor hinc et cernuus ore,
 Quae sola ire queunt, ad te, pulcherrima Virgo,
 Crebra et itura quidem citius suspiria mitto.²⁶

Cavo wrote the colonial history of Mexico and published the biography of the outstanding orator among the Jesuits of New Spain, J. J. Parreño. His "Historia de México" is set down chronologically, but the underlying and unifying thought is the injustice done to the natives of New Spain.²⁷ Cavo had too deep a sense of fairness to blame either the Spanish government or nation as a whole for the crimes of some of its officials. He gives generous place to the laws enacted for the benefit of the Indians; their violation by selfish land and mine owners and officials becomes thereby the more flagrant. The most eloquent and poignant page in the entire *Historia* is his account of the cruel and unjust torture and death of Cuauhtémoc, the last of the Aztec kings, at the hands of Cortés.

It is most significant that the Council of the City of Mexico should have deputed one of its Aldermen, Antonio Rodríguez de Velasco, to furnish Cavo with all the documents necessary for the writing of his history; the Mexican savant, Antonio de León y Gama, and the renowned Oratorian, J. A. Pichardo, carried on a learned correspondence with Cavo during his entire exile and sent him numerous books and manuscripts which he had requested. The introduction indicates the spirit that pervades the work, "May this history undertaken out of love for my native land (*patria*) be received with favor by my fellow citizens (*los de mi nación*)."

In his biography of his companion in exile, J. J. Parreño, Cavo advocates for the honor of his native land the return to sane and sound principles in philosophy. He recounts the services of the Jesuits in behalf of the Mexicans and Indians during the decimating epidemics and in the missions. He writes approvingly of Parreño's treatise on better treatment of the Negro slaves. Every page indicates the efforts and sacrifices of the Jesuits for the education of the youth of Mexico; this fact is set in strong contrast to the unjust treatment meted out to them by the Spanish king.²⁸

²⁶ *Ibid.*, 280, lines 609-630; the quoted lines are the last four.

²⁷ Méndez Plancarte, 83-111.

²⁸ Andrés Cavo, *De vita J. J. Parrenni Havanensis*, Rome, 1792.

Clavigero was the outstanding historian on ancient Mexico among the exiled Jesuits. His "Ancient History of Mexico" was revolutionary in its scientific investigation of pre-Cortesian civilization in central Mexico.²⁹ Born to Spanish parents in Veracruz, Mexico, he came to know while a child the Mixtecan Indians, their language and customs. Later, he learned several other Indian languages. He was thus able to contribute much scientific information on the Mexican languages to Hervás' philological and anthropological publications. Not merely are interest in and understanding of the native languages evident in his writings but high praise is bestowed upon them. "Such a perfect language could not have been that of a barbarous people" is his conclusion at the close of detailed study of the Aztec language.

The defects and vices of the Indians are not denied, yet their culpability is exenuated through a consideration of the misery into which their status as conquered peoples has forced them. Not only is their rationality upheld and the contrary stigmatized as absurd, but their intellectual and moral equality is maintained and proven. Their cultural status before the advent of the Spaniard was considerably superior to that of the Spaniards before their association with other peoples. The lack of a sense of responsibility and initiative ascribed to them is due to the unfair treatment accorded to them. Generosity and indifference to personal advantage are the principal traits of their character. The religion of the ancient Mexicans, insisted Clavigero, contained nothing contrary to decency and would not suffer in comparison with the religions of the most cultured peoples of classical antiquity. Education was above all one in morality and constituted a practical preparation for an upright life. Ethical principles are given expression in the famous exhortations recorded by Clavigero—of the father to his son and of the mother to her daughter. The numerous manifestations of their culture are detailed appreciatively: their drama, oratory, governing ability, sculpture and the arts. Like Alegre and Cavo, Clavigero condemned the enslavement of the Indians as altogether unjust and unjustifiable.

If all the Mexican Jesuits insisted on giving Spain its due in the formation of Mexican culture, this was particularly true of Clavigero. Sufficient proof of this would be his own publications, which if they exalt the indigenous element, they do not belittle or condemn the Spanish contribution. Yet we possess two documents

²⁹ The key passages are given in Méndez Plancarte, 3-40; the ancient history first appeared in Italian, under the title *Storia Antica del Messico*, Cesena, 1780-1781, of which four different Spanish translations were made; the Spanish original was first edited by M. Cuevas, S.J., *Historia antigua de México*, Mexico City, 1945, in four volumes.

in which he deals specifically with this point. The first is his letter to Hervás; in it he asks the Spanish philologist to show a copy of his ancient history of Mexico to those in Rome who had held that he had little love for Spain; further, that his forthcoming ecclesiastical history of Mexico will give even stronger evidence of his attitude.³⁰ The second document is his reply to the noted Italian writer, Conte Giovanni Rinaldo Carli. The letter is addressed to the secular priest, Isidoro Bianchi, who had written him in behalf of the Count. Carli who had published his *Lettere Americane* was quite piqued when Clavigero instead of praising his attack on Spanish colonial methods, took him to task. On the whole, insisted Bianchi in behalf of the Count, the *Lettere* show such thorough acquaintance with things Mexican that all concluded that no European could have possibly written them and that the Mexican Jesuit Agustín Castro must be their author. He even tried to justify the use the Count had made of Las Casas' testimony against his fellow Spaniards, by arguing that the Bishop was an eye-witness of what he wrote and that if he had not told the truth he would have been punished instead of being made Bishop of Chiapa. Clavigero answered that he did not object to anyone setting forth the excesses of the conquistadores, as long as he did not make the mistake of attributing them to the entire nation. As for Las Casas, Carli was reminded to realize that he was eye-witness to less than a hundredth part of what he cited (*allego*). True, Las Casas could not lie, but he could be deceived and he could exaggerate. Had his accusations been considered true by the Spanish Court, the accused would have been punished. In both letters, Clavigero speaks of Spain as "my nation." Clavigero wrote his histories against Raynal, Robertson and Paw, not against Spain.³¹

Clavigero's impartial attitude did not please everybody. When he appealed to the Council of the Indies for permission to publish the Spanish original of his "Ancient History of Mexico" in Spain, he was refused on the score that there were in it passages "little in conformity with truth, that besmirched the honor of our nation and were injurious to so glorious and just a conquest."³² The

³⁰ The manuscript letter is in the Vatican Library, manuscript section, and designated *Vat. Lat. 9802*, folio 235; it is reproduced in part in Batllori, 106.

³¹ Bianchi's letter and Clavigero's reply were first printed in the *Gazzetta di Cremona* for 1781 and reprinted in pamphlet form in Cesena in 1782 under the title *Copia di due Lettere pubblicate nella Gazzetta di Cremona del 1781*.

³² M. Cuevas, *Historia de la Iglesia en México*, El Paso, 1928, IV, 249; the reference there, however, should be to AGI [Archivo Gneral de Indias] 138-5-21, not that given by Cuevas.

refusal seems to have been due in great part to an unfavorable report of the Spanish ex-Jesuit Ramón Díosdado Caballero who wrote three volumes to refute Clavigero's *Historia—Observaciones Americanas y suplemento crítico a la historia de México*.³³ Caballero also wrote Hervás in an attempt to undermine the high opinion he entertained of the Mexican historian; he claimed that Clavigero had exaggerated the attainments of the Indians and in consequence was unreliable as an authority on the subject.³⁴

Nevertheless, if misrepresentation and misunderstanding was Clavigero's lot in Europe, profound appreciation and gratitude reached him from his native Mexico. He had decided his ancient history to the University of Mexico, of which he was an alumnus. The Rector of the University in his answer to Clavigero expressed his own thanks and that of the entire teaching body. What brought the greatest joy to Clavigero was the esteem in which his work was held by that body, the Viceroy, the Archbishop, the President of the Audiencia, and other prominent citizens.³⁵ Possibly no other publication of the exiled Jesuits met with such favorable reception as this work of Clavigero.

Andrés de Guevara y Basoazábal defended in his text book of philosophy modern science and its exponents, Descartes, Galileo, and Bacon. He was anxious that his countrymen keep abreast of the modern scientific movement and learn all that was true and good in what it had to offer. True educator that he was, he addressed his exhortation in particular to the youth of Mexico.³⁶

Copies of Antonio López de Priego's journal recounting the exile of the Mexican Jesuits during eighteen years made their rounds among relatives and friends in Mexico. The objective account of the expulsion of the Jesuits, the injustice and cruelty of the Spanish officials with the contrasting kindness and devotion of the Mexican people, deeply moves the reader of his journal today. The book continues with a record of the hardships suffered by the Mexican Jesuits during their long exile in Italy. The second part of the journal, a hundred printed pages today, contrasts Mexico with

³³ *Bibliothecae Scriptorum Societatis Jesu Supplementa: Supplementum Alterum* [anonymous, but compiled by Caballero], Rome, 1816, columns 18B–20A.

³⁴ *Vat. Lat. 9802*, folio 172, “. . . se le [i.e. Clavigero] ve en su obra tan trasportado por las grandezas fantásticas de las Indias y sus antigüedades que por aquí pasa por mui poco crítico aun por aquellos a quienes agrada su mordacidad injuriosa contra Cortés, Conquistadores y la Nación.”

³⁵ The letter is reproduced photostatically in the introduction to Cuevas' edition, for which see note 29 above; the answer is found in Italian translation in *Storia della California*, Venice, 1789, 3–4.

³⁶ Méndez Plancarte, 113–128.

Italy, in particular Mexico City with Rome. However differently a disinterested outsider might judge these two different "worlds," in López de Priego's account his native land does not come off second best.³⁷

Pedro José Márquez stresses the high culture attained by the Indians long before the coming of the Spaniards and regrets the wholesale destruction of numerous codices and other expressions of their ability. The idolatry and human sacrifice of the Mexicans so frequently condemned by writers find their counterpart, he insists, in even Rome and Greece, the creators of the highest civilizations of antiquity. In making Mexico and its artistic wonders known to Europeans, Márquez won the good will and gratitude of his fellow citizens.³⁸

Manuel Fabri is best known for his biographies of Abad and of Alegre. The first is prefixed to the posthumous edition of Abad's sacred epic.³⁹ He recounts the zealous and virtuous life of the author spent in behalf of the youth of Mexico both before and after the 1767 expulsion. Fabri recalls with understandable pride that numerous citizens who once studied under the Jesuits were that day holding important civil and ecclesiastical positions in New Spain. This biography and Abad is preceded by a fervent exhortation to the "Mexicana Juventus" to devote its interest and energy to the welfare of their native land. He places before them the example of Abad and other prominent Mexican writers and educators.

To introduce the eighteen books of Alegre's "Institutiones Theologicae," Fabri, their editor, prefixes a brief life of their author.⁴⁰ In it he sums up the pedagogical and intense literary and scientific activity of the most outstanding among the Mexican Jesuit writers. The biography is destined particularly for Alegre's former pupils and his numerous friends and acquaintances in Mexico. The entire biography brings out the greatness of one of their fellow citizens. All his important writings are listed and briefly characterized. Emphasis is placed on the renown which he has acquired in the learned world of Europe.

³⁷ See note 13 above.

³⁸ Méndez Plancarte, 129-160.

³⁹ See notes 15 and 25 above.

⁴⁰ Published anonymously under the title "De Auctoris Vita Commentarius" at the beginning of vol. I of *F. X. Alegrii . . . Institutionum Theologicarum libri XVIII*, Venice, 1789; the biography was translated into Spanish by J. García Icazbalceta, *Opusculos ineditos . . . del P. Alegre*, Mexico City, 1889, pp. XX-XXXVII. The key passages of this translation are to be found in Méndez Plancarte, 165-176.

Landívar sings in more than five thousand lines the wonders of his native New Spain, a world of beauty and of charm, of fertile fields and productive mines, of upright and industrious citizens. The poet does not need to state in blunt words, "This land and people are worthy of their independence." Like so many of the other Mexican Jesuit writers, he does exhort the youth of Mexico to come to know and appreciate the riches of their native land.

Learn to esteem highly your fertile fields, to search out and determine with care the riches of the field and the matchless blessings of heaven. Let another, like the beasts, go with unseeing eyes through the fields gilded by the golden sunlight, and let them indolently waste his time in play. But you, on the contrary, who have great keenness of mind, abandon old ideas and adopt the new, and with a high resolve to uncover the mysteries of nature, bring into the search the full vigor of your mind, and with joyful work uncover your treasures.⁴¹

Juan Luis Maneiro, a Veracruzian like Alegre and Clavigero, through his thirty-eight published lives of outstanding citizens, Jesuit and non-Jesuit Mexican by birth or adoption, kept bright the flame of patriotism among his fellow exiles and among his friends in Mexico until he could return to his native country in 1799. Especially to Maneiro are we indebted not only for the biographies of so many Mexican scholars but also for our knowledge of the literary and scientific renaissance initiated by the Mexican Jesuits about 1750, and continued and perfected by them and their pupils during the long years of exile that preceded national independence.⁴²

Thus, by love for their native land, did the Mexican Jesuit exiles repay the injustice and cruelty of a Spanish monarch. In so doing, they helped make this fellow citizens conscious of their distinct cultural heritage that made them worthy of national independence. The literary and scientific activity of the Mexican Jesuits was intensified and, in many instances, made possible by the enforced leisure of exile, yet it is of a piece with their way of life in Mexico before the expulsion, not a re-action to it.

ERNEST J. BURRUS

Rome, Italy

⁴¹ The last eleven lines of the *Rusticatio Mexicana*; translation by Regenos, see note 14 above.

⁴² The most thorough study, but mainly on philosophy, is that of Bernabé Navarro, *La introducción de la filosofía moderna en México*, Mexico City, 1948; not differing essentially from the thesis expressed by Méndez Plancarte in his work so frequently quoted here is Navarro's article "Los jesuitas y la independencia," in *Abside*, XVI, Mexico City, 1952, 43-62.

The Ante-Bellum Population 1830-1860

A large variety of measures are needed for an adequate understanding of changes in population. Demography has become a highly specialized type of quantitative analysis. A few of the more important measures which are generally derived in studies of population are shown in Table I. It is clear that a full appraisal of population characteristics is possible only by a configurative approach embodying these measures. However, for 1830-1860, the period considered in this paper, only a limited number of measures can be derived or calculated.

The most accurate and comprehensive data available are from the census reports of the Census Office.¹ There are still many limitations inherent in these data. It is generally necessary to work with the shortest time intervals to detect sensitive patterns of population change, if they exist. However, virtually all quinquennial or annual data for 1830-1860 are either interpolations based upon the decennial benchmarks or blow-ups of isolated studies of states, regions, and even municipalities. The restrictions for analysis imposed by ten year data are accompanied by other factual deficiencies. Until 1850 the Census Office employed a maximum of two schedules for decennial enumerations. With the 1850 census, six schedules were employed to cover free inhabitants, slaves, mortality, agriculture, manufacturing, and social factors.² For the full period, there-

¹ Now the Bureau of Census. The Census Office reports and summaries used in this paper, listed chronologically, are as follows:

Fifth Census: *Abstract of the Returns of the Fifth Census*, and *The Fifth Census of the United States*, Census Office, Washington, D. C., 1832.

Sixth Census: *Compendium of the Sixth Census*, and *The Sixth Census of the United States*, Census Office, 1841.

Seventh Census: *Abstract of the Seventh Census*, Census Office, 1852, and *The Seventh Census of the United States*, Washington, D. C., 1853; Richard S. Fisher, *The Seventh Census of the United States*, J. H. Colton Co., New York, 1851; *Statistical View of the United States*, prepared by J. B. D. De Bow, Census Office, 1854.

Eighth Census: *Preliminary Report of the Eighth Census*, Jas. C. G. Kennedy, Census Office, 1862, and *Eighth Census of the United States*, Census Office, 1862.

Ninth Census: *The Ninth Census of the United States*, 1871, and *Statistics of Population, Ninth Census*, Census Office, 1872.

² The schedules are reproduced in Carroll D. Wright and William C. Hunt, *History and Growth of the United States Census, 1790-1890*, prepared for the Senate Committee on the Census, U.S.G.P.O., Washington, D. C., 1900, Appendix A, 131-190.

fore, an incomplete and discontinuous statistical picture of the population structure of the country is available. Such important quantities as the occupational distribution of the population, an important basis for understanding and interpreting an economy, are absent for part of the period. For the part of the period the information is available, it is incomplete. Other equally pertinent and basic quantities are absent or similarly incomplete. The questions raised

TABLE 1
KEY POPULATION QUANTITIES

<i>Aggregates</i>	<i>Characteristics</i>	<i>Indexes</i>
Country, Region, State ^a	Occupation	Population Density ^b
City, Town, Community	Nativity and Race	
Urban and rural (farm, non-farm)	Age, Sex, Education	Sex, Age, etc., Ratios Mortality Rate
Areal factors	Martial Status	Net Reproductive Rate ^c

Note: The indexes and characteristics can be analyzed in terms of different aggregates. However, only the basic indexes are listed.

^a Gross and net. Net is adjusted for annexations, admissions, immigration, and other additions to the native group.

^b In terms of gross or net (land) area.

^c For a discussion of this vital index and biostatistical, somatic physical, and psychological indexes, see Raymond Pearl, "Vitality of the Peoples of America," *The American Journal of Hygiene*, Vol. 1, Nos. 5 and 6, (September-November, 1921), 592-674.

in analyzing the population changes which occurred from 1830-1860, therefore, are limited to inferences based upon the gross statistics which are available.

The historic time being explored was characterized by dynamic change and rapid growth despite growing political conflict. From an economic point of view, the country was in the readying and preparatory stage for complete industrialization. Manufacturing was beginning to embody the factory system, technical methods and equipment were being applied, new forms of power were being used, and invention and rationalization were being extended to all parts of the economy, including agriculture. In 1837 the first telegraph wires were strung, initiating the communication basis for industrialization. Turnpikes and canals were built, rivers were improved to allow a greater volume of internal waterway transportation, and the mileage of railroads increased at an unprecedented rate

of 133,095 per cent from 1830 to 1860. Data for canal transportation in this period are available for New York State, and are reproduced along with railroad mileage in Table 2 to illustrate trends in transportation. The transportation and communication facilities which are the bases for geographic shifts by people were available in greater diversity and supply. The federal government through such liberal land policies as the General Pre-emption Act of 1841, the Military Bounty Act of 1847, the Graduation Act of 1854, and

TABLE 2
RAILROAD AND WATER TRANSPORTATION
1830-1860

Year	U. S.	N. Y. State Canals (000 tons carried) ^b
	Railroad Mileage ^a	
1830	23	1,171 ^c
1840	2,818	1,416
1850	9,021	3,077
1860	30,635	4,650

^a *Poor's Manual of Railroads for 1879.*

^b Including agricultural products. New York State Public Works Department, *Annual Report of the Superintendent*, New York, 1930, 32-33.

^c The first figure is for the year 1837.

the Military Bounty Act of 1855, encouraged homesteading and migration to the cheap and free lands in the west.³ Finally, while the nation showed some awareness of its industrial and economic expansion, social and political polarizations minimized their importance. Although the political, military, and social conflicts in this period are important, they have not been considered.

An examination of the basic population data in Table 3, in their aggregate, state, and territorial classifications, reveals patterns of change which are similar from census to census. In taking the enumerations the Census Office included in the schedules states which were territories, states which were not territories, and states before they were admitted to the Union along with the states which

³ Unfortunate effects of these policies were seen in the land speculations of 1854-1857, helping to precipitate the depression of 1857. Only twenty years earlier, from 1833-1837, there had been a comparable pattern of land speculation which had contributed to the panic of 1837. The Specie Circular issued by Jackson in 1836 was late and ineffective in curbing the speculative land ventures.

TABLE 3
POPULATION OF THE UNITED STATES
1830-1860 (thousands)

AREA	Census Years			
	1830	1840	1850	1860
U. S. Total	12,866	17,069	23,192	31,443
Not reported in 1830 census	...	74	895	2,987
California	...	...	93	380
Colorado (Adm. 1876) ^a	...	...	...	34
Dakota (Adm. 1889)	...	...	...	5
Iowa	...	43	192	675
Kansas (Adm. 1861)	...	...	...	107
Minnesota	...	...	6	172
Nebraska (Adm. 1867)	...	...	...	29
Nevada (Adm. 1864)	...	...	...	7
New Mexico (Adm. 1912)	...	...	62	94
Oregon	...	...	13	52
Texas	...	...	213	604
Utah (Adm. 1896)	...	...	11	40
Washington (Adm. 1889)	...	...	...	12
Wisconsin	...	31	305	776
Reported in 1830 Census	12,866	16,996	22,297	28,457
Alabama	310	591	772	964
Arkansas	30	98	210	435
Connecticut	298	310	371	460
Delaware	77	78	92	112
District of Columbia	40	44	52	75
Florida	35	54	87	140
Georgia	517	691	906	1,057
Illinois	157	476	851	1,712
Indiana	343	686	988	1,350
Kentucky	688	780	982	1,156
Louisiana	216	352	518	708
Maine	399	502	583	628
Maryland	447	470	583	687
Massachusetts	610	738	995	1,231
Michigan	32	212	398	749
Mississippi	137	376	607	791
Missouri	140	384	682	1,182
New Hampshire	269	285	318	326
New Jersey	321	373	490	672
New York	1,917	2,429	3,097	3,881
North Carolina	738	753	869	993
Ohio	938	1,519	1,980	2,340
Pennsylvania	1,348	1,724	2,312	2,906
Public Ships ^b	5	6	...	...
Rhode Island	97	109	148	175
South Carolina	581	594	669	704
Tennessee	682	829	1,003	1,110
Vermont	281	292	314	315
Virginia	1,211	1,240	1,422	1,596

^a The dates of admission, noted in parentheses, are presented for those states which were included in the censuses but were not admitted into the union until after 1860.

^b In the service of the U. S. This category was no longer reported separately after 1840.

comprised the country. The states and territories enumerated in these censuses and not admitted to the Union until after 1860 are shown in Table 3, with their dates of admission.

During the period many legislative acts were passed to organize territories, admit states, and purchase lands. Outright accessions included Texas in 1845 (390,144 sq. mi.), Oregon in 1846 (285,580 sq. mi.), the Mexican Cession in 1848 (529,017 sq. mi.), and the Gadsden Purchase in 1853 (29,640 sq. mi.). As shown in Table 4, nine of the forty-eight states, in part carved from these acquisitions, were admitted to the Union during this period. A few

TABLE 4
STATES ADMITTED INTO THE UNION
1830-1860

State	Year Admitted	First Time Reported in Census
Arkansas	1836	1830
California	1850	1850
Florida	1845	1830
Iowa	1846	1840
Michigan	1837	1830
Minnesota	1858	1850
Oregon	1859	1850
Texas	1845	1850
Wisconsin	1848	1840

of these states were first organized as territories before they were admitted to the Union, while others were admitted directly. By comparing the dates of admission with the dates first reported, the exaggeration in the size of the native population is revealed.

In the light of the variabilities due to annexations and admissions, states and territories have been classified, as a first approximation, according to whether or not they were enumerated in the 1830 Census (Table 3). This is an initial step in determining the changes in the native population, in order to evaluate its net reproductive rate.⁴ The data, however, still remain inadequate, for there is another important overstatement implicit in them. It is necessary to adjust the population quantities for net immigration,⁵ in order to arrive at the net accretions to the original population.

⁴ The net reproductive rate is the ratio of the birth to the death rate. A value of 1.00 is standard for a population to maintain a constant size.

⁵ For definition, see footnote c to Table 5.

The duplications from new admissions represent a considerable portion of the population data, as is evident in Table 5 which compares population with and without admissions from annexed, acquired, and admitted states and territories. Four-tenths of one per cent of the population increase from 1830-1840 was due to admission, 3.9 per cent from 1840-1850, and 9.5 per cent from 1850-1860. A correction for this net accretion can be based upon a variety of

TABLE 5
POPULATION INCLUDING AND EXCLUDING ADMISSIONS,
AND GROSS IMMIGRATION
1830-1860
(thousands)

Item		Census Years			
		1830	1840	1850	1860
Population Including Admissions	Aggregate	12,866	17,069	23,192	31,443
	Index: 1830=100 ^a	100	132	179	242
	Percent change ^b	. . .	+32	+36	+35
Population Excluding Admissions	Aggregate	12,866	16,995	22,297	28,457
	Index: 1830=100	100	132	173	221
	Percent change	. . .	+32	+31	+28
Immigration ^c	Aggregate	141	575	1,623	2,549
	Index: 1830=100	100	408	1,150	1,810
	Percent change	. . .	+308	+182	+58

$$^a \frac{\text{Total in a Census Year}}{\text{Total in 1830}} \times 100.$$

$$^b \frac{\text{Total in a Census Year}}{\text{Total in Preceding Census Year}} \times 100 \text{ (—100).}$$

^c United States Department of Labor, *Annual Report of the Commissioner General of Immigration*, Washington, D. C., 1932, 186-187. The data represent gross immigration. The true measure needed is net immigration, the difference between admissions of aliens (immigrants and non-immigrants) and departures of aliens. However, alien departures were first recorded for the fiscal year ended 1908. The gross data used here are for 1821-1830, 1831-1840, 1841-1850, and 1851-1860.

assumptions. The technique employed herein assumes that the number of states and territories for the whole period had remained constant, or what it had actually been in 1830. When this adjustment is made for each census it is evident that new admissions account for a considerable portion of the increase in population, especially from 1850-1860.

Also, by including and excluding annexations and admissions the net and gross accretion to the population can be compared. For example, from 1830–1860 the increase in the gross population was 142 per cent and in the net population 121 per cent, the 21 per cent difference a direct contribution of the acquired areas. From census to census there is a high correlation in the rates of change between the gross and net population, even in their retardations toward the end of the period. The original or net population, however, increased at a rate which, on the average, was approximately 4 per cent below that for the gross population.

The ten year accruals of immigrants to the census points have also been shown in Table 5. Even though it is appropriate and necessary to make a statistical adjustment for net immigration to arrive at the real, net population, this is not possible in this period, for reasons indicated in footnote c to Table 5. It is obvious from the immigration quantities that this was a period of great popular movement to the United States. Studies have indicated that these immigrants came from Great Britain, the Germanies, Ireland, and to a lesser degree from other European countries. Even if we assumed that net immigration was a minor fraction of our gross immigration data, the net population data would require an additional downward revision. Our conclusions, however, would not be materially different from those implicit in the data.

From 1830–1860 the reproductive rate in the country was at a high level, with the net reproductive rate considerably above the standard for stability. There was a secular expansion in population until 1860, at which time there were two and one-half times as many people in the country as there had been in 1830, (Table 5). The intercensal changes in population remained approximately constant through each decade, increasing at an average rate of at about 34 per cent every ten years. A study of the differential increments by state and territory (Table 3) reveals comparable growth. The only difference in state populations lay in the magnitude of the relative changes, for all the states had positive changes in population. A few states exhibit sharp retardations in population growth. Vermont, for example, had the smallest increase in population in every one of the four decades compared to every other state. Despite the rapid growth in the other states from 1850–1860, Vermont's population increased by only three-tenths of one per cent (Table 3).

Regionally the quantitative picture is similar, although other disparities become apparent (Table 8). The West North Central

region had the largest increase (204 per cent) from 1830-1840. The West South Central had the largest increase from 1840-1850 (108 per cent), mainly due to the acquisition of Texas in the middle of the decade. The Pacific region, with its acquisition of California, had a phenomenal 335 per cent increase in its population from 1850-1860. The West North Central had the largest increase throughout the entire forty years, slightly over 15 per cent per annum. Of course, many of these changes were due to internal migration.

A qualitative analysis of population involves a study of popular composition and characteristics of people. One of the few qualitative breakdowns recorded in these censuses was racial. The racial structure of the population has been summarized in Table 6. A study of this information reveals some very interesting aspects concerning the population. The first feature which stands out most pronouncedly is the stability in racial composition throughout the thirty years. At each census, with only the slightest variation, whites constituted 83 per cent of the population, free colored 2 per cent, slaves 15 per cent, and others (Chinese and Indians) an insignificant fraction. It appears fairly definite, therefore, that by 1830 the relative racial composition of the population had become fixed and was not affected by the many diverse developments in the ante-bellum period.

However, this is not the major inference to be drawn from these data. The relative stability of racial composition existed side by side with an equally significant set of long-run changes. These relate to a comparison of the rates of growth and their variations in the three basic racial groups. Whites increased almost at a constant rate, from decade to decade, the increase averaging 35 per cent. Slaves, at a lower level of change which paralleled the movement of whites, also showed constancy in rates of change, averaging 26 per cent. The changes in the free colored group are very different compared to the whites and slaves. From 1830-1840 there was a relatively high increase in free colored, about equal to the increase in slaves. However, from 1840-1850 the rate of increase in free colored shows a sharp decline, and this lowered rate of increase remained the same in the next decade.⁶ With the lively net reproductive rate in this period for the nation as a whole it is unlikely,

⁶ The simplest way of observing these differential rates is to chart the aggregates for each group on semi-logarithmic paper. This calibration shows relative movements and, at the same time, divergences from parallelism are significant.

TABLE 6
 RACIAL COMPOSITION OF THE POPULATION
 1830-1860
 (thousands)

Group	Area	Census Years			
		1830	1840	1850	1860
White	States	10,504	14,159	19,442	26,691
	Total	10,537	14,196	19,553	26,923
	Percent of Total Population ^a	81	83	84	85
	Percent Change ^b	. . .	+35	+35	+38
Free Colored ^c	States	313	378	424	477
	Total	320	386	434	488
	Percent of Total Population	3	2	2	2
	Percent Change	. . .	+21	+12	+13
Slave	States	2,003	2,483	3,201	3,951
	Total	2,009	2,487	3,204	3,954
	Percent of Total Population	16	15	14	13
	Percent Change	. . .	+24	+29	+23
Other ^d	States	. . .	. . .	. . .	66
	Total	. . .	. . .	. . .	79
	Percent of Total Population	. . .	. . .	. . .	^e
	Percent Change	. . .	. . .	. . .	. . .
Total	States	12,821	17,020	23,067	31,184
	Total	12,866	17,069	23,192	31,443
	Percent of Total Population	100	100	100	100
	Percent Change	. . .	+32	+36	+35

Note: The difference between population in states and total represents territories.

a For any group, $\frac{\text{Racial Total}}{\text{U. S. Total}} \times 100$.

b See Table 5, footnote b.

c Free-colored represent an institutional classification of negroes.

d Includes Chinese and Indians. Of the total, 35 were Chinese, all of whom lived in states.

e Less than one-half of one percent.

in the absence of evidence, that there was a peculiarly lower rate of reproduction by the free colored. It appears, therefore, that prior to the Civil War fewer slaves were buying their freedom, being willed free, or being set free. It would be interesting to compare the aggregate movement of free colored in the states with and without personal liberty and emancipation laws, but this extension

and elaboration of our data is not relevant to the major aim of this paper.

How large was the shift of the people away from farms toward the cities? How rapidly were the number and size of cities increasing? What was the ratio of concentration in rural compared to urban centers? Answers to these questions can tell us something about the nature of the internal shifts of people within the country during the period. By comparing the rate of population growth in rural and urban centers with the over-all net reproduction rate, it is possible to determine whether there was a migration of people toward cities or whether the people in cities were accelerating the reproduction process. The migration toward cities is the most likely explanation, for an outstanding development throughout the period was an acceleration in the urbanization process. As the absolute number of people in urban and rural areas increased, the percentage of people concentrating in cities rose rapidly. A percentage of 8.4 of the population was in cities in 1830, 11.5 per cent in 1840, 17.1 per cent in 1850, and 20.8 per cent in 1860 (Table 7). It appears, therefore, by comparing these relative changes with those for the full population, that the rural areas were supplying people for the new urban centers. Consequently, it is certain that at the end of the period the occupational composition of the population was radically different from its 1830 form, despite the absence of an exact occupational classification for the city dwellers.

People with different ways of earning livelihoods were living in cities which had become larger in size and were more common in occurrence. In 1830 there was no city with a population of more than 203,000, but by the end of the fifties two cities were in existence with an average of 686,000 people living in each one. Classified by number of dwellers, the largest increase from 1830-1840 took place in cities with 2,500-10,000 people (109 per cent), from 1840-1850 in the 100,000-250,000 group (150 per cent) and from 1850-1860 in the 25,000-100,000 group (67 per cent). It appears, therefore, that the urbanization process in this country's development was given an initial but tremendous impetus during this period. Small cities became large cities as the number of new small cities were increasing. A more detailed analysis of the data in Table 7 shows the relation between the changes in the number of cities and the number of people in each type of city, indicating the growing population density within these urban centers.

When population densities are computed, it is most accurate to work with data relating to the number of people occupying a prescribed area at a given unit of time. To do this for each census, data are needed for the gross or net land surface and the number of people living within the respective areas. The censuses from 1830–1860 enumerated the number of people in states and territories but did not carefully record their respective areas. In the presence

TABLE 7
CONCENTRATION OF THE POPULATION IN CITIES
1830–1860

Size of City (000 of residents)	Number of Cities				Population (thousands)			
	1830	1840	1850	1860	1830	1840	1850	1860
500.0–1000.0			1	2			516	1,371
250.0– 500.0		1	1	1		313	409	267
100.0– 250.0	1	2	5	6	203	205	683	1,043
25.0– 100.0	6	9	15	25	331	442	622	1,136
10.0– 25.0	16	27	41	63	244	427	623	958
2.5– 10.0	58	123	239	357	301	601	1,141	1,769
Under 2.5 ^a	...	...	...	...	11,782	15,095	19,198	24,899
Total					12,861 ^b	17,063 ^b	23,192	31,443

Source: Warren S. Thompson and P. K. Whelpton, *Population Trends in the U. S.*, New York, 1933, 26–28.

^a Rural. No data available concerning the number of towns and townships with less than 2,500 residents.

^b Excludes individuals on public ships in the service of the U. S., as they were not credited to any state or division.

of such an important deficiency in areal information, the procedure used in this paper was to select a year in the period being studied in which areal data was available. Population densities have then been derived, upon the assumption of constancy in area throughout the period being inspected. 1860 is the census year for which the most complete area data was available. The area quantities have been reproduced in regional form in Table 8.⁷

Although I have limited myself to a regional comparison of density, a comparison by states could be made. A study of the areas

⁷ A comparison of areal differences is not of prime interest to our analysis.

TABLE 8
POPULATION, AREA, AND DENSITY BY REGION
1830-1860

Region ^a	Population ^b (thousands)			Area (gross sq. mi.) ^c			Population Density ^d				
	1830	1840	1850	1830	1840	1850	1860	1830	1840	1850	1860
New England	1,954	2,236	2,729	3,135	68,348	68,348	68,348	28.6	32.7	39.9	45.9
Middle Atlantic	3,586	4,526	5,899	7,459	101,320	101,320	101,320	35.4	44.7	58.2	73.6
E. N. Central	1,470	2,924	4,522	6,927	185,638	239,562	239,562	7.9	12.2	18.9	28.9
W. N. Central	140	427	880	2,170	65,350	120,395	203,926	2.1	3.5	4.3	4.2
S. Atlantic	3,646	3,924	4,680	5,364	253,624	253,624	253,624	14.4	15.5	18.5	21.1
E. S. Central	1,817	2,576	3,364	4,021	181,158	181,158	181,158	10.0	14.2	18.6	22.2
W. S. Central	246	450	941	1,747	93,544	367,900	367,900	2.6	4.8	2.6	4.7
Mountain	0	0	73	175	0	205,677	422,267	0	0	0.4	0.4
Pacific	0	0	106	444	0	253,075	323,069	0	0	0.4	1.4
Total	12,859	17,063	23,194	31,442	948,982	1,057,951	1,874,590	13.6	16.1	12.4	12.7

^a Bureau of the Census regional classification.

^b A different number of states were included in each region from census to census. In order to adjust for these differences, the areas and populations of the same states have been combined for each region in each census.

^c Including land and water. While it is preferable to work with net land area, such information is not available.

^d Population ÷ area.

by states reveals densities which are implicitly moderate.⁸ On an interdivisional basis the population densities in all parts of the country move in the same direction, (Table 8). The most rapid increases in these concentration ratios occurred in areas which first had been inhabited. With few exceptions, all regions showed increases from decade to decade. The West South Central had a fairly large decline in density during the 'forties, due mainly to the addition of sizable Texas. The magnitude of Texas' area was great enough to decrease the population density of the country from 16.1 in 1840 to 12.4 in 1850. The national decline also reflected the joining of New Mexico and Utah in the Mountain region while Oregon and California became part of the Pacific group. The West North Central region, with the addition of the Dakota area, had a slight decline in density from 1850-1860.⁹

By contrasting the decennial percentages of change in population with those in area (Table 8), it is manifest that the growing density in population occurred because population was increasing at a more rapid rate than area. The national trend showed a given square mile occupied by a progressively increasing number of people. This occurred despite the massive land acquisitions and the relatively low popular densities in the acquired areas. With an absence of statistics it is not possible to ascertain the degree to which the changes in population densities were due to intra-country migrations or immigration. It is apparent from the previous discussion of urban-rural populations that there was considerable shifting by people within the country during the period. These movements influenced the compactness of people in the various regions.

Within the framework of the questions raised,¹⁰ circumscribed by the factual limitations noted, the major findings for the period

⁸ The states and their respective territories are not shown. These are available in comprehensive form in the United States Treasury Department, Bureau of Statistics, *Statistical Abstract of the United States*, No. 1, Washington, D. C., 1878. For each census year the areas of the states which comprised each region have been combined.

⁹ The procedure used results in a slight overstatement of the densities for the first three periods. While much of the country until 1860 had been surveyed, a great amount of occupied and unoccupied land remained to be surveyed. If complete areal information for 1830-1850 were available, the levels of the densities would probably be different, but their trends similar to those derived upon an 1860 base. Conclusions, therefore, would not be substantially different from those established.

¹⁰ For a further discussion of estimates of population measures and characteristics which have not been dealt with, such as male-female and national origins, refer to Department of Commerce and Labor, Bureau of the Census, *A Century of Population Growth in the United States, 1790-1900*, U.S.G.P.O., Washington, D. C., 1909.

1830-1860 can now be summarized. The period was characterized by fundamental changes in the quantitative structure and qualitative composition of the American population. On an aggregate, regional, or state basis, the increases were great and dynamic. The ratios of increase remain relatively high even after adjustments for the absolute accretion to the native population from annexations, admissions, and immigration. All the major races comprising the population showed relatively large and constant rates of increase throughout the period. The interesting exception was the free colored group, which exhibited a sharp drop in its rate of growth from 1840-1850, maintaining itself at this lower level of change through the next ten years. The proportion of each racial group in the total population, however, remained very stable throughout the whole period.

As the population grew there was an accelerated tendency for people to concentrate in cities. This was indicated by a decline in the ratio of rural to urban people, the growth in the number of cities, and the increase in the number of people living in urban centers. This shift in the location of the population occurred at a time when the country was becoming more crowded and a larger number of people occupied a given unit of land. Despite the growing population density, this was a period of unusual growth and expansion of population in the United States. The national stage was receiving its demographic setting for the great political, economic, military, and social developments which came after 1860.

WILLIAM I. GREENWALD

The City College, New York

Irishmen in Northern Indiana Before 1850

*I'm very happy where I am,
Far across the say—
I'm very happy far from home,
In North Amerikay.¹*

This song may have been sung by groups of the 1,766 Irishmen who had located in countries north of the Wabash River in Indiana over a century ago, and who contributed to the total 10,955 foreign population of that area. Within the period under consideration Allen, Cass, La Porte, St. Joseph, and Wabash counties each had attracted over a hundred natives from the Emerald Isle.² The following table reveals the fact that some counties were more popular than others among the Irish.

IRISHMEN IN NORTHERN INDIANA IN 1850

Allen	424	Lagrange	15	Pulaski	8
Cass	243	Lake	60	St. Joseph	149
De Kalb	22	La Porte	249	Starke	4
Elkhart	57	Marshall	17	Steuben	22
Fulton	32	Miami	46	Wabash	190
Jasper	6	Noble	14	White	19
Kosciusko	53	Porter	100	Whitley	36

It is somewhat difficult to ascertain accurately when the first Irishmen came to northern Indiana; but according to those records which are available, it appears that twelve had settled in this region between 1820 and 1830. Of these twelve, five were living in Cass County; two each in Lagrange and La Porte counties; and one each

¹ Don Boucicault, "Song," in Charles Welsh, Ed., *The Golden Treasury of Irish Songs and Lyrics*, 2 vols., New York, 1907, I, 74.

² All material in this article unless otherwise indicated is supported by statistics compiled from the Original Returns of the Seventh United States Census, 1850, Indiana. A copy of the population schedule of this census in microfilm is on file in the Documents Division of the Indiana University Library, Bloomington.

in Allen, Elkhart, and St. Joseph counties. By 1840 the number had increased to 456, distributed as follows:³

Allen	114	Lagrange	7	Pulaski	3
Cass	77	Lake	22	St. Joseph	18
De Kalb	2	La Porte	42	Starke	2
Elkhart	25	Marshall	6	Steuben	7
Fulton	11	Miami	9	Wabash	59
Jasper	2	Noble	1	White	3
Kosciusko	12	Porter	20	Whitley	14

Ten years later the tide of emigration had brought the Irish population to over seventeen hundred. It is questionable whether the increase was as great as these figures seem to indicate; but by 1850 more accurate records are available.

Nevertheless, during the construction period of the Wabash and Erie Canal over six hundred Irishmen were engaged in digging. While many of these workers were transients who merely followed the contractor from one section of the United States to another, some later took up permanent residence in areas which appealed to them. The Irish laborers on the canal were divided into "Corkonians" and "Far downs," with approximately four hundred in each group. While in Indiana these factions occasionally broke the monotony of swinging the shovel by fighting in order that one group might demonstrate its superiority. They had previously engaged in bloody battles at Williamsport, Maryland, and consequently brought many animosities with them in September, 1834, when they came to work on the Wabash and Erie. Probably the riot which involved the largest number took place on July 12, 1835. At the appointed time the belligerent parties replaced their shovels with firearms and marched to Lagro in Wabash County to settle affairs.

Citizens of the surrounding region became alarmed when they learned on July 10 that both groups were accumulating weapons and that even the battlefield had been designated. The civil authorities, too, were well aware of the danger and sent for aid from Fort Wayne, Logansport, Lagro, and Peru. The sheriffs from Huntington and Wabash counties assisted by the militia, arrested eight of

³ This information was obtained from the Original Census Returns for 1830 and 1840. The names listed in the fifth and sixth census as well as every settler before 1841 mentioned in the county histories were checked against the 1850 Census.

the ring leaders and sent them to Indianapolis because there was no jail along the canal.⁴

Thirteen years later, the trustees of the Wabash and Erie Canal attempted to hire for their internal improvements project men who would settle in Indiana. As an inducement, they offered forty, eighty, or one hundred and sixty-acre tracts of land at reasonable prices. Advertisements appeared in leading newspaper, "calling the attention of emigrants, laborers, and contractors to the extended line of the canal to be put under construction, . . . to the large amount of land on hand for sale, and the facilities and advantages afforded by that portion of the State through which the canal runs, and in which the lands lie." It was no doubt hoped that these measures would bring into the country the requisite amount of labor to complete the canal, and at the same time attract some permanent settlers. Land offices to execute the necessary transactions were located at Logansport and Washington.⁵

Whether any Irish who settled in northern Indiana took advantage of the offer it is difficult to say. Since the real estate holdings for natives of Ireland who had chosen this section of the Hoosier State amounted to \$671,431 in 1850, it is possible that some Irishmen acquired land by this means. The individual holdings varied from fifty to one hundred ten thousand dollars. Allen Hamilton of Allen County led his fellow countrymen in the value of property owned. Although some countries were not so popular among immigrants as others, the Irish accumulated property in every county considered in this study. It is obvious that a considerable number with more than moderate financial status migrated to Allen and Wabash counties.

The distribution of the real estate holdings of Irishmen in 1850 in the twenty-one counties shows a great variation:

Allen	\$239,020	Lagrange	\$ 537	Pulaski	\$ 2,500
Cass	38,215	Lake	15,400	St. Joseph	15,185
De Kalb	5,700	La Porte	44,980	Starke	300
Elkhart	33,200	Marshall	8,200	Steuben	31,000
Fulton	11,425	Miami	36,135	Wabash	116,824
Jasper	3,700	Noble	1,600	White	4,250
Kosciusko	24,350	Porter	13,850	Whitley	25,060

⁴ David Burr to Governor Noah Noble, Indianapolis, Indiana, December 30, 1835, *Indiana Documentary Journal*, 1835, 1-4.

⁵ "Annual Report of the Trustees of the Wabash and Erie Canal to the General Assembly of the State of Indiana, December, 1847," *Indiana Documentary Journal*, 1847, Part II, 196, 205; *Cincinnati Gazette*, March 22, 1848; *Evansville Journal*, quoted in *Indiana Tri-Weekly State Journal*, March 8, 1848.

Another interesting factor which was discovered when the population of the various counties was compared with that of the real estate valuation should be noted. The average for the region was \$380.20 per individual.

AVERAGE REAL ESTATE VALUATION OF IRISHMEN IN 1850 BY COUNTIES:

Allen	\$ 563.72	Lagrange	\$ 35.80	Pulaski	\$ 312.50
Cass	156.83	Lake	256.66	St. Joseph	101.91
De Kalb	259.09	La Porte	180.64	Starke	75.00
Elkhart	582.46	Marshall	482.35	Steuben	140.91
Fulton	357.03	Miami	785.54	Wabash	614.86
Jasper	616.67	Noble	114.29	White	223.68
Kosciusko	459.43	Porter	138.50	Whitley	696.11

Of the four counties through which the canal passed, Cass had the lowest average. Miami ranked first; Wabash, second, and Allen, third. There is also the possibility that the Irish who worked on the canal may have settled in counties other than those traversed by the canal.

Although railroad and canal construction work has been closely associated with the Irish, about fifty-three per cent of this nationality who settled in northern Indiana were engaged in tilling the soil. Approximately twenty-six per cent listed "laborer" as their occupation. Among the remaining twenty-one per cent were blacksmiths, boatmen, carpenters, clergymen, grocers, merchants, physicians, quarrymen, shoemakers, stonecutters, tailors, teachers, and weavers, to mention only the more popular occupations. Only ten paupers were recorded in the 1850 Census. Of these five were living in La Porte County. It is apparent, therefore, that practically every male Irishmen in this area of the Hoosier State was gainfully employed in skilled or unskilled labor.

The German statistician, Ernst Engel, has divided the economic life of a man into three periods, two of which are unproductive and one productive. From birth to the fifteenth year is referred to as the juvenile period, which is not only unproductive but requires a considerable outlay of money. The labor period, which ranges from fifteen to sixty-five years is the productive time of life. Engel claims that after sixty-five the individual is dependent upon his savings or upon the labor of others.⁶ Nine per cent of the Irish

⁶ Friedrich Kapp, *Immigration and the Commissioners of Emigration of the State of New York*, New York, 1870, 144.

fall into the first category; eighty-four per cent, in the second; and seven per cent, in the third.

It can readily be seen that the largest percentage falls in the productive period of life. The ages of the Irish ranged from below one to ninety-eight.

Below 1	1	.06%	40-49	296	16.76%
1-4	20	1.13	50-59	230	13.02
5-9	66	3.74	60-69	85	4.81
10-14	73	4.13	70-79	28	1.59
15-19	127	7.19	80-89	6	.34
20-29	376	21.30	90-100	2	.11
30-39	452	25.59	Unknown	4	.23

Having given some account of the number of Irish immigrants, the value of their real estate holdings, the occupations engaged in, and their ages, one should also consider the routes which directed them to the Hoosier State. In all probability the journey from the Isle of Erin was as varied as the physiognomy of the different families who came. Some had hardly enough to keep body and soul together, yet through thrift eventually accumulated enough of the material means of this world to enjoy more comfortable living. As an illustration may be given the hardships and success of Allen Hamilton who was born in the county of Tyrone, emigrated to Canada in 1817, and six years later located in Allen County.

At the age of eighteen, Hamilton listened with enthusiasm to a discourse on the free institutions and beauty of America. This discourse made an indelible impression upon young Hamilton and influenced him to desire a home in this new country across the Atlantic. By careful management of such funds as he was able to acquire through work and the aid of friends, he finally had the necessary means to cross the ocean and live for the short interval between his arrival and that of obtaining gainful employment.

Hence, in July, 1817, he bade farewell to relatives and friends and sailed for Quebec. In Canada he called on friends of his aunt who sought to find work for him. He was, however, deprived of such opportunities as presented themselves; for only a few days after he landed he became a victim of the ship fever. This malady lingered on for six weeks. Upon the doctor's advice to seek a milder climate, he continued his journey. When he reached Montreal, he suffered a relapse and gradually his funds began to dwindle away. Upon his recovery, he was determined to go to the city of Brotherly Love.

After a tedious journey on foot he reached his destination. Penniless and without friends, he roamed the streets of Philadelphia seeking employment. Eventually his eyes were caused to sparkle as he read on the door of an iron store a call for laborers. Since he had been earlier denied a job because of his frail appearance, he entered the establishment in fear and trembling. The proprietor, a benevolent Quaker, listened attentively to Hamilton as he related his story, then promised him a position. The young man was given a clerkship with a salary of one hundred dollars a year and board. By the spring of 1820, the adventurer was determined to penetrate farther into the interior in the hope that he might meet a cousin, James Dill, who had been a General in the army and was now living in Lawrenceburg, Indiana.⁷ He said goodbye to the Quaker and started for the Hoosier State.

Upon reaching Lawrenceburg, he discovered that his cousin was the clerk of the Dearborn County Court. Hamilton looked with favor upon the legal profession and suggested to Dill that he be permitted to enter his office, agreeing to write for six hours a day in return for his board and use of the library. Three years later he visited the region around Fort Wayne, and being favorably impressed with the surrounding country, the beautiful scenery, and the advantages of this area, he decided to settle in Allen County.⁸ Starting as a penniless young man in 1817, he gradually found the road which led him to success, and by 1850 he had become the wealthiest man in northern Indiana, with real estate holdings valued at one hundred ten thousand dollars.

Many of the Irish who located in northern Indiana made their entrance through Canada. Some lived from five to ten years in the latter country before emigrating to the Hoosier State. Others after leaving Canada lived for a number of years in Ohio before moving on to Indiana. Several families, instead of going directly to Indiana from Ohio, lived for a few years in Michigan. Those who used American ports in the eastern part of the United States fre-

⁷ James Dill migrated to America and was a soldier in the war of 1812. During the territorial period he was a member of the legislature and served as speaker of the House. He was a member of the first Indiana Constitutional Convention. From September 6, 1813, until his death in 1838, he was clerk of Dearborn County. "Nothing could impair the hold which the gallant soldier and courtly and witty Irishman had on the friendship of the people of this county." F. W. Weakley & Co., *History of Dearborn and Ohio Counties, Indiana*, Chicago, 1885, 148-149, 232.

⁸ "Biographical Sketches of Early Settlers of Fort Wayne, Etc." in Wallace A. Brice, *History of Fort Wayne, Fort Wayne, Indiana*, 1868, 18-22.

quently lived for a number of years in Rhode Island, Vermont, New York, Maryland, or Pennsylvania, before moving westward. Some families spent several years in Ohio and Michigan preliminary to settling in northern Indiana. One, living in La Porte County in 1850, had by-passed Indiana for Illinois, but after seven years' residence in the latter state retreated to make a home in La Porte County, Indiana. In all probability the majority of the Irishmen who settled in northern Indiana followed a route from Canada or the eastern states which guided them through Ohio. It should also be noted that many of these natives of Erin had been living in the United States since 1830.⁹ Only a few had settled in northern Indiana before this date.

Regardless of the period of their arrival, there must have been a determination on the part of practically every Irishman to take advantage of what the new land of hope and promise offered. Here, he found it possible to obtain a job which paid better wages and offered more desirable working conditions than any in his native Ireland, where the average laborer earned only three shillings a week.¹⁰ And here also, he could eventually, become the owner of land and a house something which he could not have done under the old land system in Ireland. There the standard of living of small farmers differed only slightly from that of the laborers. Both groups were among five-sixths of the population housed in mud huts or one-room cottages. Because the law vested ownership of all improvements in the landlord, the tenant could expect no reimbursement for capital outlay on his part. A glimmer of hope appeared June 9, 1845, with the introduction of a Bill whereby a tenant might be compensated for his expenditures. This Bill proposed to grant remuneration for improvements on buildings, fences, and drains, not in excess of £5 for each acre of holdings, and then only if the tenant were ejected. Unfortunately, this Bill never became law. Tenants were poor and depended largely upon the potato for food. When in 1846 this staple crop failed, one of the greatest periods of misery descended upon the Irish. Fishermen were forced to pledge the implements of their vocation for a crust of bread. Small farmers and cottiers parted with all their pigs and fowl, and even their bed clothes. As soon, therefore, as it was possible to save enough money for passage to America many Irishmen found their way across the Atlantic where they might expect the simple

⁹ These conclusions were reached on the basis of the birth of children.

¹⁰ *Hansard's Parliamentary Debates*, Third Series, LIV, 838.

comforts of life and education and opportunity for their children.¹¹ No such privilege had been open to him and his in the land of his birth. Great, indeed, must have been his anticipations of life in the New World.

Two statements that cannot be applied to any other foreign or native group that was living in northern Indiana in 1850 can be made about the Irish. They had more illiterates in that year in this area of Indiana than any other group. Over seventy-three per cent of those in this category were living in Allen, La Porte, and Wabash counties. Nevertheless, the children of Irish parentage and of school age, with only a few exceptions, were in school. Natives of no other country or state who were living in northern Indiana in 1850 could begin to match the Irish in this respect.

The fact that the men who framed Indiana's first constitution in 1816 inserted an article on education attests to the importance they placed upon "knowledge and learning generally diffused, through a community, being essential to the preservation of a free Government."¹² Notwithstanding this expression of regard for education, they failed to provide the necessary legislation to put into operation a plan whereby schools could be operated. "Nowhere were the schools free." Since there was no system, "it depended upon the locality or the interest of an enterprising individual" whether schools of any type existed and were kept up. Some objected to free schools because they regarded them as dangerous to the state and undemocratic. Men of means and business protested inasmuch as free schools meant higher assessments, which they claimed were a drain, and taxes for education larceny.¹³ Fortunately by 1850, enough pressure was brought to bear upon the men who attended the constitutional convention to provide the proper tools to put into operation a public school system.

It is significant, therefore, to note that many Irish families in northern Indiana were large and that probably a tuition fee had to be paid for each child. This did not deter these parents from providing their children with the opportunities and advantages for better citizenship to be gained in the schoolroom.

¹¹ *Ibid.*, LXXXI, 211-235; LXXXIX, 88; Ernest L. Woodward, *The Age of Reform, 1815-1870*, Oxford, 1946, 316; *Transactions of Central Relief Committee of the Society of Friends During 1846-1847 in Ireland* (n.p., n.d.), 9-10; 148, 158-159.

¹² Charles Kettleborough, *Constitution Making in Indiana*, 3 vols., Indianapolis, 1916-1930, I, 112.

¹³ Richard G. Boone, *A History of Education in Indiana*, New York, 1892, 22-23, 87, 109.

One may assume that the natives of Erin who settled north of the Wabash River in the Hoosier State came to improve their standard of living. Some who arrived practically penniless were able to accumulate sizable real estate holdings. While railroad and canal construction work is generally associated with Irishmen, the largest percentage of those who came to this region of the Middle West engaged in farming or in some other occupation. Approximately sixty-four per cent of this nationality ranged from twenty to forty-nine years of age, and must have been endowed with the energy and the stamina to overcome the hardships of the frontier. Hence, no price was too high to pay for the goal which they had set for themselves. One of the most coveted objectives must have been education; for no other foreign or native group had so many children in school as the Irish. They must have been happy far away from Ireland in "North Amerikay," where the latchstring on the gate of opportunity was always out to the ambitious individual who had the courage to lift it and enter upon the wilderness path.

ELFRIEDA LANG

Indiana University

Book Reviews

Pioneer's Mission: The Story of Lyman Copeland Draper. By William B. Hesseltine. The State Historical Society of Wisconsin, Madison, 1954. Pp. 384. \$4.50.

How often have the thousands of teachers of history, curators, and hobbyists said to themselves, "Just a few more references, just a few more months to explore this corner or that," while their notes and hopeful beginnings of articles and manuscripts gathered dust over the years? How many of the more determined, having pushed aside more general and potentially popular studies, have followed their will-o-the-wisp interests only to have their rejected manuscripts sit lonely and unknown on their private shelves? How many, following the lore of historical antiquity, have had bitter moments while some legislature debated the wisdom of continuing their projects? Those who find themselves among these categories, plus those who have a desire to see in detail the life of one of the nineteenth century's famous historical collectors of Americana, will find interest, comfort, solace, and even new inspiration and determination in this biography of Draper. Professor Hesseltine, writing the story of the guiding light of the early years of the Wisconsin State Historical Society, and the history of the well known Draper collection, has produced not only a biography worthy of note, but a jarring piece of work which literally screams to the reader from each chapter, "Produce, Produce, Produce!"

Lyman Draper, born near Buffalo in 1815, was a sickly little man (5' 1"), whose physical deficiencies turned him early in life to "bookish ways." His youthful interest in frontier history and heroes was intensified by his father Luke, who had been an involuntary guest of the British in 1813-1814. At seventeen Lyman Draper was writing historical articles for local newspapers, but a sickly nervousness caused by his writing efforts deterred him from continuing in this work. A fortunate connection with his cousin's husband was the making of Draper's career, for Peter Remsen became personally interested in him, sent him to school and later provided a pension for nearly nine years which enabled the scholar to collect materials and lay plans for his writings. After an ill-fated attempt as a newspaperman in Mississippi, Draper took up the pension with Remsen and from 1844 to 1852 engaged in golden years of "delving and rummaging." With persistence and determination he traveled the highways and byways searching out, copying, borrowing, or getting donations of manuscripts concerning the men of the frontier. Among the heroes he especially followed were George Rogers Clark, Daniel Boone, Simon Kenton, Samuel Brady, and Thomas Sumter, although he was never averse to picking up the threads of someone new when the opportunity afforded itself. While method and organization in the modern sense were completely lacking and his efforts might well be characterized as meanderings, the avidness with which he proceeded to uncover the trail of the past more than counter-balanced his lack of technique. By letter and direct inquiry, the latter often done in spite of severe ill

health, he followed the trails of his heroes, until by the end of his life he had traveled thousands of miles on foot, by horse and railroad.

In 1852, after the death of his patron, Draper accepted an offer to go to Madison, Wisconsin. The offer of state librarian, or professor at the university, had been made some years earlier by his political friend Charles Larrabee, when the latter's political star was high. When he arrived in 1852 the offer was impossible to fulfill and Draper floundered until the foundation of the Historical Society two years later gave him the niche in which he was to remain until the end. From 1854 to 1887, as corresponding secretary of the society he labored diligently for meager pay, building the collection from fifty to one hundred and ten thousand volumes. His was a busy life, for Democratic politics took him into the office of Superintendent of Public Instruction, and the affairs of the Baptist Church added to his activities until he changed to spiritualism in 1868. From time to time antagonists in the state legislature gave him uneasy moments for the future of the society and his position in it.

Throughout the years he never lost the desire to publish from his voluminous collections and he constantly made promises of publication for the near future. From countless sources he was badgered to produce his work on the sketches of the pioneers, Daniel Boone, George Rogers Clark and others. But always, there was delay. Now it was his health, now the publishing market, now the publishers, now his writing partners. In 1869, with an associate, he published a book of nostrums and other domestic advice, a far cry from his historical researches yet one of his many avenues of interest. Not until 1881, at the age of sixty-six did he produce a true historical work, *King's Mountain and Its Heroes*, and then his experience was bitter, for it sold few copies and was poorly received. Lyman Copeland Draper in spite of his desires was to become famous not as a writer but as a collector. Professor Hesseltine says of him: "All his days he had dreamed of writing popular history, of rescuing forgotten men and stirring events from oblivion. . . For forty years he gathered materials for a great series, yet when the first product of that effort appeared, an indifferent public withheld his reward. His fatal defect, procrastination, had kept him from achieving his life's ambition."

MARTIN J. LOWERY

De Paul University

American Constitutional Custom: A Forgotten Factor in the Founding. By Burleigh Cushing Rodick. Philosophical Library, New York, 1953. Pp. xx, 244. \$4.75.

In this interpretative study of American Constitutionalism, Burleigh Cushing Rodick, a former student of Frederick Jackson Turner and John Bassett Moore, presents the reader with the fruit of long years of study and research on "the influence of habit, custom, and tradition in early American politics." A very readable and interesting piece of historical literature is the result. Based on a wealth of authoritative sources, this volume is an

excellent synthesis of representative material on the subject. Much of its contents are familiar facts, but its value lies in the analysis of habit, custom, and tradition which, having been received from England, were carried over into the colonies, and, from these, in turn, into the newly established American Republic. The inherited elements of habit, custom, and tradition were first established in English speaking North America with the coming of the early settlers, who brought with them a political heritage which, understandably enough, had its counterpart in Mother England. Bequeathed to the colonists by their forebears, the three forces with their all pervasive influence are skillfully traced by the author from 1620 down through the colonial period to the American Revolution, thence to the Federal Convention and its famous document of 1787, and then on to the early period of our constitutional and political growth to the election of Thomas Jefferson. The dependence which many aspects of our constitution and political thought and framework has on English sources is common knowledge, but the forgotten factor, according to Rodick, which played such a large part in our political and constitutional formation were those "continuing forces of habit, custom, and traditions" which were inherited from the colonial past. Boundaries, trade, taxation, the issue of coinage, paper currency, Indian affairs, extradition of fugitives, and titles to western lands all produced problems which were carry-overs from pre-independence days and, hence, formed continuity with the past which, perhaps unknown to our Founding Fathers, acted as a forceful determinant in the shaping of American history. The author also detects "certain constitutional customs which were more or less the product of our American political climate." These customs were formed by the ever expanding frontier. The "past" did not enter into their conception or growth. Rodick's thesis can be clearly grasped from the following passage: "Almost from the outset there had been a conflict between those who had remained along the seaboard and those who had first penetrated the hinterland. The seaboard people were prone to have more material possessions, to be more conservative in politics, religion and economics, and less venturesome in the pursuit of new lands and new ideas. . . . Here were the seeds of a more or less enduring struggle: the contest between the governor's party and the people's party, seaboard and frontier, land and capital, debtors and creditors, the ruled and their rulers." The book deserves a wide reading public. It is well indexed and has an excellent bibliography.

CHARLES E. RONAN

University of Texas

Letters of Noah Webster. Edited by Harry R. Warfel. Library Publishers, New York, 1954. Pp. xlvi, 562. \$7.50.

Noah Webster's *An American Dictionary of the English Language* made its first appearance on January 11, 1828. To commemorate the momentous event Library Publishers brought out these *Letters* on January 11, 1954, as an 125th anniversary present. Mr. Warfel has selected 188 letters

from the voluminous correspondence of the famous lexicographer, with an eye to pointing out the multiple interests and attainments of Noah as a step toward a re-appraisal of his life. While Webster has always been another name for dictionary, Mr. Warfel's selection gives ample proof of Noah's ability as a journalist, legislator, lawyer, educator, farmer, and scientist, and therefore as a notable contributor to the American mode of existence. Certainly, nobody can deny Webster's influence on the formation of the American version of the English language, and in the light of these sample letters there is much truth in the editor's claim that Noah's prestige and influence were beyond that of a mere pedant.

Webster apparently was quick to take up his pen on the slightest provocation and to pontificate on any manner of public event. Some of his letters reveal his efforts toward establishing public instruction, and its improvement, and the sad state of college training. His scholarly works on the English language were done in the cause of the education of youth. His patriotism manifests itself in diatribes against British and French political and military activities. He boldly wrote to Jefferson in disagreement with some political tenets. He wrote to Washington as a fellow-authority on fertilizers, on copyrights, and for permission to use his papers. On the home side he wrote to James Greenleaf for permission to marry his sister, and, with that granted, for money to start housekeeping. His love letters are models of Puritan taste. He told Rufus King how to handle the British situation. He addressed letters to sundry people on *The History of Pestilential Diseases*, by Noah Webster. He informed Hamilton of the error of his ways and chided James Madison about being misled by Jefferson. No pope or potentate ever wrote more sonorously than Webster did in one particular gem to Thomas Jefferson on the evils of the first six months of his administration. "Your measures, Sir, invert the whole order of society. . . . Your practices tend to depress eminence of talents, to point the finger of scorn at a veneration for religion. . . . If mankind can long endure this monstrous inversion of principles, . . . and look up with veneration to the illiterate, the debauchee, the blasphemer, the infidel, . . . the world now has the opportunity of determining these questions by the experiments of your administration." (p. 244-245.)

This Connecticut Yankee, ever vain, selfish, arrogant, critical, and tactless, had nevertheless a passion for finding the truth in history, science, and language, but where opinion was concerned he lacked the wisdom to be tolerant and objective. Professor Warfel's introduction is concerned chiefly with the publications of Noah Webster, and his index is very serviceable.

JEROME V. JACOBSEN

Loyola University

Notes and Comments

PHILIPPINE STUDIES PROGRAM

The Carnegie Corporation has recently made a grant of \$75,000 over a five-year period to facilitate social science research on Philippine problems, with the Department of Anthropology of the University of Chicago, the Edward E. Ayer Collection of the Newberry Library and the Chicago Natural History Museum as participants. Two committees are in charge: a policy committee headed by Fred Eggan of the Anthropology Department of the University of Chicago whose membership includes Sol Tax, E. D. Hester and Harvey Perloff of the University of Chicago and Stanley Pargellis and Ruth Lapham Butler of the Newberry Library, and an advisory committee consisting presently of Fay-Cooper Cole, Felix Keesing, H. H. Bartlett, Paul Russell and Leopold Ruiz.

The cultural anthropology aspects of the program will be carried out at the University of Chicago and at the Chicago Natural History Museum which has a large ethnographic collection on the non-Christian peoples of the Philippines. The Ayer Collection at the Newberry Library possesses an extensive ethnographic collection including many linguistic items, printed works as well as manuscripts (Doris Varner Welsh's *Checklist of Philippine Linguistics in the Newberry Library*, 1950). Professor Eggan's seminar is studying the pattern of certain social and cultural changes in the Mountain Province, Northern Luzon, preparatory to undertaking a group field project in cooperation with Philippine Universities.

The historical aspects of the program are centered at the Newberry Library. The Philippine collection of printed works and manuscripts in the Ayer Collection may be unsurpassed as an unfortunate result of the widespread devastation of Philippine libraries and archives during the last war. Paul Lietz, chairman of the History Department of Loyola University, has been appointed a Fellow in Philippine Studies at the Newberry Library to calendar the Philippine documents of the Spanish period, a collection of over two hundred listed items, some of which are single manuscripts while others contain more than fifty documents, many of which have never before been studied. Many of these items are original; others are copies or transcripts of originals which have since been lost. In addition to the calendar some of the more important items will be edited for publication.

John Leddy Phelan has also been appointed a Fellow in Philippine Studies to write a monograph on the missionary church during the first century of the Spanish colony. Phelan's study of the "spiritual conquest" of the Philippines will stress the contrasts and the analogies between the Spanish missionary enterprise in Asia and in America.

* * * *

The art of bookmaking has been exemplified recently in a fine contribution of the unending shelf of Lincolniana. *Lincoln's Imagery, A Study in Word Power*, by Theodore C. Blegen, is the contribution, and the proud publisher is Emerson G. Wulling, Sumac Press, La Crosse, Wisconsin. As Dean Blegen indicates, hundreds of writers have discovered each to his own happiness or enlightenment some new charm in the sayings of Lincoln. The loftiness of his eloquence and the persuasion of his words are recognized over the world, but Dean Blegen's point of study is precisely how did Lincoln make the parts of speech "vividly conscious of what he wanted to say." The response is given in the thirty-two, all too few, pages of the book, wherein words and similes, culled from Lincoln's writings, are given their proper local and general significance as forceful imagery. Dean Blegen's style is indeed literary, quite befitting his subject, and the short volume will become a collector's item.

* * * *

The Japanese Frontier in Hawaii, 1868-1898, by Hilary Conroy, and *Price Control and the Reign of Terror, France, 1793-1795*, by William Finley Shepard, were recently published as Volumes 46 and 45 of the University of California Publications in History. The former of these is the account of the meeting of two frontiers: The Japanese moving east and the American moving west. This appears to be an excellent study of eastern and western diplomacy avoiding serious trouble in the Hawaiian Islands until our annexation settled the issue. In the second of these heavily documented publications Dr. Shepard tells the story of the "first modern economic dictatorship," of price and food control, and of arms and munitions control.

* * * *

Are nations like individuals bound to observe the moral code, the Ten Commandments, in their dealings with other nations? How can the principles of the Law be applied to the conduct of foreign

affairs? What code derived from these principles should be framed for the elimination of injustice and for the reign of peace in the world? These are some of the important questions asked in *The Fundamentals of World Peace* by A. Hamer Hall, published at the end of last year by Philosophical Library, New York. In this examination of the moral foundation of the foreign policies of the Western democracies, Mr. Hall, with due criticism of their defects, offers eight foundation stones of peace based on the Rights of Man, in opposition to those unethical principles which have brought mankind to the verge of chaos. These are: Unity, not Isolation; Conciliation; Law and Government; a police force to maintain order; Civil and Religious Freedom; Self-government, self-determination, freedom of choice; Subservience to none, possession by none; Economic freedom based upon supply and demand.

* * * *

As a commemoration of the four hundredth anniversary of the foundation of the city of São Paulo, Brasil, Father Serafim Leite recently presented a fine edition of the *Diálogo sobre a Conversão do Gentio pelo P. Manuel Da Nóbrega*. The publication in Lisbon was sponsored by the Fourth Centenary Commission of the Ministry of Foreign Relations of Brasil. Leite with his usual scholarship gives the complete purpose and setting for Nóbrega's dialogue. The dialogue carried on between the famous Brazilian missionary and his interlocutors was Nóbrega's method of answering objections to the conversion of the natives to Christianity, a highly important question in the sixteenth century. Were the natives beasts or men? Did they have sufficient reason to accept the faith? Were they part of the brotherhood of men? Was the work of the missionaries with all its hardships a useless task, considering their customs of paganism and cannibalism? The answers were that the natives had souls, were children of Christ, were entitled to instruction and the graces of baptism and ultimately to be subjects of God and the King.

* * * *

The Caribbean: Contemporary Trends, edited by A. Curtis Wilgus, was published at the end of 1953 as the third volume of the publications of the School of Inter-American Studies by the University of Florida Press. After the editor's introduction there are twenty papers as they were delivered at the December, 1952, conference.

Five of these are on the economic trends, two on the social, four on the literary and artistic, four on the political and diplomatic, and five on peace and security trends. Professor Wilgus in his introductory words about politics as they are practiced sees no serious reason to be disturbed about the political situation. The economists in their contribution discuss the problems of conserving land and water, of supplying skilled labor, power, transportation, and capital; they notice the difficulties of developing the undeveloped areas, of multiplying products and purchasing power and give reasons why business men have failed in the past and remedies for the future. The main social problem seems to be the trend toward urbanization, with resultant evils for lack of city planning. The political trends are considerably streamlined into three ideologies: the communist, the Catholic Social Action, and the vaguely defined neo-idealist philosophies; about these much more could be said. The diplomatic trend seems to be toward a "cards-on-the-table" policy rather than the old secret alliances, and a general subscription to the principles of the Charter of the Organization of American States.

* * * *

James C. Malin, Professor of History in the University of Kansas, has this year published in lithoprint from typescript *The Nebraska Question, 1852-1854*. This is the fourth of the *Grassland Studies* which Professor Malin has been producing and distributing from his address at 1541 University Drive, Lawrence, Kansas. It is in paper cover at four dollars. Malin in this work makes no claim to have settled the Nebraska Question definitely, but he sets up reasons and proofs why the period of our history of a hundred years ago should be done over with more care than appears in the traditional accounts. He feels that all aspects of the personalities involved in making our 1850's fitful and messy should be considered in the light of new and more ample evidence and that new characters along with new and modified backdrops should decorate the stage of events. The book, unfortunately without index, is of 455 pages in sixteen chapters, several of which have appeared in historical magazines. The focus is on the last two years of the ten years dispute, and certainly its author has indicated many factors which have hitherto been omitted or poorly assessed. There is a separation between the Kansas and Nebraska situation; the slavery question is reduced considerably in perspective; the position of Douglas is substantially altered with relation to slavery, westward expansion, railroads, mechanization,

and Indian lands. There seems no doubt about Douglas's "global perspective" from the evidence presented in the volume, but there is question whether he derived his ideas from William H. Seward and other Senators who were promoting the Pacific and Lat Am expansion program and sending Perry to open Japan.

* * * *

Dictionary of European History, edited by William S. Roeder, is the latest of thirty-three dictionaries already published by Philosophical Library, New York, all under the general heading of Midcentury Reference Library and all under the general editorship of Dagobert D. Runes. The apparently indefatigable publishers, Philosophical Library, have forty more books of the kind forthcoming. Historians will be particularly interested in having the present *Dictionary* because of the concise factual data on European events of more recent times and as a companion volume to the already published *Dictionary of Ancient History* and *New Dictionary of American History*. Students of the colleges of Arts and Science will find at least one of these dictionaries or encyclopedias as a handy reference for almost any course in their respective curriculums.

* * * *

Seven Brave Companions, by Adele Gutman Nathan, illustrated by Fritz Kredel, and published by Aladdin Books, is a delightful account of the Marquette-Joliet Expedition. Intended for the young folk, the story is told in dialogue, simply and sympathetically, and with a keen sense of the dramatic episodes of the great journey on the Father of Waters. As a narrator Mrs. Nathan should hold the attention of her youthful readers and let them live for awhile in the past. The illustrator is likewise to be commended for capably catching the spirit of the times in his sketches.

* * * *

Among the many valuable contributions made over nearly half a century by the *Revue d'Histoire Ecclésiastique*, Louvain, are some that vitally affect historical interpretations of the motives for the overseas expansion of the European nations into the new worlds of Africa, Asia and the Americas. An article of this nature appeared in Volume XLVIII, Nos. 3-4, 1953, entitled "Les Bulles Pontificales et l'Expansion Portugaise au XV^e Siècle," by Charles-Martial de

Witte, O.S.B. The scholarly author searched the archives until he had a list of more than forty papal Bulls pertaining to the Portuguese conquest of Ceuta, the Canaries, and Tangier. Some had been inadequately published, some were unknown. Most interesting are those indicating how the financing of Prince Henry the Navigator in Ceuta and at Sagres was accomplished with the incomes from Portuguese archdioceses, and those permitting the maritime explorations and commerce with the infidels. It is hoped that the Bulls and all others of the fifteenth century colonial expansion will be published.

* * * *

To commemorate the explorers of America in 1945 the American Pioneer Trails Association published a brochure, *American Adventure, Story of the Lewis and Clark Expedition, 1804-1806*, by Robert H. Fletcher, and a large, colored map depicting the routes of explorers and great trails of the Northwest. The narrative, gracefully told and artistically illustrated by Irvin Shope, has proved attractive to adults as well as to the school children for whom it was primarily intended. The brochure and the map are now being distributed by the Historical Society of Montana, Helena, to recall the Montana days of one hundred and fifty years ago.

* * * *

The cover of the *Missouri Historical Review* for January, 1954, is printed in red, white and blue, featuring a center banner whose upper and lower red bars are made up of "Louisiana Purchase, America's Best Buy," and whose blue field is graced by a map of the United States with the purchase area defined in red. The leading article is "Robert R. Livingston, the Forgotten Architect of the Louisiana Purchase," by Charles Nutter. This, as other pages of the neatly edited number, is nicely illustrated.

* * * *

Preserved now in book form are the pictures of over one hundred forty historical churches, chapels, missions, and shrines, as they stand today. Father Francis Beauchesne Thornton has gathered the photographs and written the description of each in his very recent *Catholic Shrines in the United States and Canada*, and the publisher, Wilfred Funk, Inc., New York, has done an exceptionally beautiful work of printing.

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CONTENTS

THE PAXTON BOYS: PARKMAN'S USE OF THE FRONTIER HYPOTHESIS	<i>Dean Moor</i>	211
THE POTAWATOMI MISSION 1854	<i>Hubert Jacobs, S.J.</i>	220
DOCUMENT—FATHER GAILLAND'S LETTER		227
TRANSLATION OF GAILLAND'S LETTER	<i>Jerome V. Jacobsen</i>	237
BOOK REVIEWS		249
NOTES AND COMMENTS		254
INDEX FOR VOLUME XXXVI		261

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RAPHAEL HAMILTON

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The Paxton Boys: Parkman's Use of the Frontier Hypothesis

Fifty years of the life of Francis Parkman were expended in discovering, gathering, and portraying the picture of contest for the North American Continent. He wove the story of Colonial New France and the British continental colonies, with the American Indian in the middle, into a dozen volumes collectively called *France and England in America*. He has been subsequently styled as "the Herodotus of American history" and also as belonging properly to the school of literary historians. Parkman had a genius for literary expression, the accurate portrayal of geographic scenes, the sharp outlining of characters, and the organization of events into a coherent unity. *The Conspiracy of Pontiac*, from which the subject incident of this study is taken, is actually Parkman's epilogue to the struggle between France and England in North America. It was the first of his important historical writings to be published. Generally speaking, his volumes are accurate, well told tales which furnish evidence of that frayed but strong historical cord which has been repeatedly wrapped around the bundle of western advance and repeatedly slashed at—the frontier hypothesis.

Most students of American history are familiar with the vast and continuous amount of published material which has settled around us as a result of Fredrick Jackson Turner's original paper. It might be clarifying to note some of the broad implications arising from

Note. This paper received the annual undergraduate award at the annual regional meeting of Phi Alpha Theta, history honor society, which was held last March on the campus of the University of Southern California in Los Angeles and noticed in the *Pacific Historical Review*, XXIII (May, 1954), 218-219. Editor.

sixty years' scholarship on frontier influence in American history. We might say, in general definition, that the frontier is "the cutting edge of civilization"; that in its westering progress the frontier formed a fence, from the east side of which the grass and free land always looked greener to the West. It was, in many respects, the boundary between savagery and civilization. As set forth by Turner, the frontier hypothesis supposes an order of general settlement: the fur trader, the cattleman, the miner, the farmer, the urbanite. The thesis supposes that the experience of possessing, occupying, and transforming a frontier was an enormously important determinant in American life. It transformed the pioneer himself; he became a new type of American while he was making a new America. Beyond this, the new country and the new occupant never quite lost the effect of the experience as the frontier passed. The West was always an urgent claimant upon the eastern portions. Pioneers, unified by common experiences, problems, and needs, were incessant and relentless in their assumption that the Government was under obligation to help them.

These initial implications, if kept in mind, are useful in picturing the extent to which the frontier hypothesis is demonstrated by the saga of "the Paxton boys."

Men of Paxton and Donegal, Pennsylvania, were hardy frontiersmen, with all that the words imply. They formed a class of striking and peculiar character. They were farmers or warriors or hunters as the occasion called. Concerning the business, the mechanics of cultured life, they knew little and cared less. They lived in a world of their own which contained all they felt necessary for survival. They were, in the words of Parkman, "willful, headstrong, and quarrelsome; frank, straight-forward and generous; brave as the bravest, and utterly intolerant of arbitrary self-control."¹

Taking our Indians as we do, from the movies and museums, it is not easy to conceive the force and depth of that unquenchable, indiscriminate hate which Indian outrages awoke in those who suffered from them. In the year 1763, attacks were falling all along the thinly settled valleys leading down to the Susquehanna. Two thousand persons had been killed or carried off and nearly an equal

¹ Francis Parkman, *Conspiracy of Pontiac*, Boston, 1917, II, 89. The edition used for all the Parkman references is the New Library Edition, Little, Brown, and Company, Boston, 1917. For an excellent interpretation of Parkman's writings, see Otis A. Pease, *Parkman's History, the Historian as Literary Artist*, New Haven, 1953.

number of families driven from their homes.² Parkman tells us, in narrating the *Conspiracy of Pontiac*, an episode of those forays³ which illustrates the hardships that the early Scotch-Irish pioneers endured.

Pennsylvania's frontier people, in agony over the long punishment, were divided between rage against the Indians and resentment against the Quakers who had offered them empty sentiments and pious, quibbling aid. In control of the Philadelphia Assembly at that time, the Quakers stood resolutely on their pacifist principles. Philadelphia was safe from the scalping knife and the Quaker Assembly turned away Western pleas with the galling assurance that the frontiersmen's own quarrelsome actions caused all the trouble. A militia of seven hundred was voted, and then forbidden to engage in offensive operations or move beyond the settled points.

At the manor of Conestoga, near the Susquehanna and the modern town of Lancaster, a small band of Indians of the Iroquois nation resided. Long friendly with the English, they were under the governor's protection. By this date they amounted to only twenty persons, and lived off the sale of woven goods. Locally they were regarded as harmless and pitiable, yet some evidence exists to show that a few of them were in league with their more warlike brothers to the Northwest.

Paxton town stood on the east bank of the Susquehanna, near Conestoga, and in a position of rank exposure to Indian attack. Rumors, natural in such a tense atmosphere, flew through the areas of Paxton and Donegal: the Philadelphians refused to fight because war would interfere with their fur trade; a group of peaceful Moravian Indians in nearby Northampton County were harboring raiding parties; and worst of all, the Conestoga Indians to the South, in Lancaster County, were supplying their brothers with guns. Frontier blood was up. A mob of fifty armed and mounted men descended on the harmless Conestogans December 13, 1763, butchering six and maiming several more. The Quaker Assembly was horrified. Governor Thomas Penn issued a proclamation denouncing the act. Warrants were issued for the arrest of "the Paxton boys," ordering them brought east to Philadelphia to stand trial for the cold-blooded murders. The men of Paxton, however, were at a fever pitch. They determined to continue the work they had begun.

² Parkman, *Conspiracy of Pontiac*, II, 125.

³ The following narrative is contained in great detail and more effective style in Volume II of Parkman's *Conspiracy of Pontiac*. The factual material above is based on this narrative.

After the killing, the remaining Indians had been conducted, by the townspeople, to the stout, stone jail in Lancaster.⁴

The 27th of December came, bitter with light driving snow. At about three o'clock in the afternoon, the rioters, in the words of Parkman:

. . . armed with rifle, knife, and tomahawk, rode at a gallup into Lancaster; ran to the jail, burst open the door, and rushed tumultuously in. The fourteen Indians were in a small yard . . . surrounded by a high stone wall In a moment the yard was filled with ruffians, shouting, cursing, and firing upon the cowering wretches; holding the muzzles of their pieces, in some instances, so near their victims' heads that the brains were scattered by the explosion. The work was soon finished. The bodies of men, women, and children, mangled with outrageous brutality, lay scattered about the yard; and the murderers were gone.⁵

After their previous attitude the stoic Quakers must have quivered with outrage when the news reached Philadelphia. The blood-letting seemed to stir the frontier unrest, which now became focused upon the Christian Indians attached to the Moravian missionaries. Suspicion fastened on them with the series of Indian forays which marked the beginning of Pontiac's war. In November, before the Conestoga massacre, the Quaker Assembly had provided that the mission Indians be moved to the protection of Philadelphia. The persecuted exiles walked, the aged, the sick, and the young—seventy-five bitter miles to the city. Shrinking together like a flock of miserable sheep, they were moved to an island in the Delaware River, under a bodyguard of Quakers.

Now alarm spread among the citizens of Philadelphia. The men of Paxton and Donegal were marching on the town, determined to finish the bloody business. They bore no respect for the paper-weight Pennsylvania militia. Quaker pacifist principles were forgotten. Arms were collected and middle aged Ben Franklin became the moving spirit of the day. With dispatch the citizens were organized into six armed companies—the common mob, Presbyterians, and Quakers all in together. A barricade went up across the great square; cannon were planted to sweep the streets. There was

⁴ Of value for the psychology of the times is a pamphlet published by Benjamin Franklin subsequent to this attack. It furnishes an excellent insight into the Quaker attitude on frontier retaliation and also presents a rather fanciful report of the attack; yet the pamphlet illustrates the persuading style of Franklin and is entertaining reading. An original copy is in the Henry Huntington Library, San Marino, Calif.

⁵ Parkman, *Conspiracy of Pontiac*, II, 135.

one defensive oversight: a ferry passage across the Schuylkill was left to chance. The Paxton men hurried across in the early dawn and down the road to Philadelphia. Learning what was in store for them ahead, they halted at Germantown. A stalemate ensued for three days. On the fourth, Franklin with two other respected citizens arrived in Germantown. One last attempt was to be made to quiet the frontiersmen and persuade them to depart.

The peace parley was a success. The rioters were dissuaded in their now futile plans for Philadelphia. The government, through Franklin, assured them a hearing. Two papers, a "Declaration" and a "Remonstrance," were drawn up, addressed to the Governor and the Assembly. The men of Paxton and Donegal turned west across the icy Schuylkill. Two settlers, one Smith and one Gibson, represented the frontiersmen and laid before the Assembly their long memorial. The document clearly demonstrated the clash between the frontier and the settled East. Here is what Parkman said of it:

Various grievances were specified for which redress was demanded. It was urged that those counties where the Quaker interest prevailed sent to the assembly more than their due share of representatives. The memorialists bitterly complained of a law then before the assembly, by which those charged with murdering Indians were to be brought to trial, not in the district where the act was committed. But in one of the three Eastern counties. . . . The Quakers, they insisted, had held private treaties with the Indians, encouraged them to hostile acts, and excused their cruelties on the charitable plea that this was their method of making war.⁶

A public hearing was to be held, but the Governor would not agree. Sullen, the Paxton representatives left the city. The Assembly soon became involved in its eternal quarrel with the executive, this time over the granting of supplies for an ensuing military campaign. The excitement of the late winter passed. The frontier became engrossed in the emotion of a new war against the Indians in other quarters.

The Paxton affair, then, ended in actual legal demands being made upon the Pennsylvania Assembly. The frontiersmen had shown their tempers and their fighting strength. A rugged republicanism was in the making, a system of representation which was to pass through its own frontier of evolution toward a new type of democracy. The Paxtonian influence upon the assembly was a single celled phase in the beginning of an evolutionary process which

⁶ *Ibid.*, II, 165-166.

paralleled that undergone by the immigrant European who tilled the fertile soil of the frontier. Speaking of the European, Turner, in his original frontier paper said:

It [the frontier] strips off the garments of civilization and arrays him in the hunting shirt and the moccasin. It puts him in the log cabin of the Iroquois and runs an Indian palisade around him. Before long he has gone to planting Indian corn and plowing with a sharp stick; he shouts the war cry and takes the scalp in orthodox Indian fashion. In short, at the frontier the environment is at first too strong for the man. He must accept the conditions which it furnishes, or perish. . . . Little by little he transforms the wilderness, but the outcome is not simply the old Europe . . . the fact is, that here is a new product which is American.⁷

Are "the Paxton boys" the result of the frontier environment that is too strong for the man? Are they an ideal picture of the earliest flux in the transition to national heritage; or is Parkman, here again, merely the historian of the episode, "having" as Mason Wade says, "romantic devotion to the great man or great idea theory of history."⁸

It appears that Francis Parkman was an evolutionist, as later disciples of frontier importance had to be. As such, he wrote a message into his words in terms of cause and effect. He states his philosophy in these words: "Not institutions alone, but geographical position, climate and many other conditions unite to form the educational influences, that acting through successive generations, shape the character of nations and communities."⁹

In Parkman's works as a whole one will note examples of evolutionary recognition which antedate, in a remarkable way, the later frontier hypothesis. In a chapter on Canadian absolutism, Parkman speaks out on the despotism of New France. The great interior wilderness, however, gave the colonists a measure of independent outlook and freedom which allowed them to rebel.¹⁰ "The peasants, the roving bushranger; the half-tamed savage, . . . priests; friars, nuns, and soldiers . . ." ¹¹ mingled to form a new society born of the freedom of the forest; out of which came a spirit of insubordination.

On the peculiarity of the Pennsylvania pioneer and his varied national background Parkman has this to say directly: "Long resi-

⁷ F. J. Turner, *Significance of the Frontier in American History*, from *Proceedings of the State Historical Society of Wisconsin*, December 14, 1893.

⁸ Mason Wade (ed.), *Journals of Parkman*, New York, 1947, II, xii.

⁹ Parkman, *The Old Régime in Canada*, Boston, 1914, 461.

¹⁰ *Ibid.*, 462-468.

¹¹ Parkman, *Montcalm and Wolfe*, Boston, 1917, I, 25.

dence in the province had modified their national character, and imparted many of the peculiar traits of the American backwoodsman."¹²

With respect to the environmental modification of New England, he declared:

Its people were purely English . . . but their original character had been modified by changed conditions of life . . . the struggle for existence on a hard and barren soil; and the isolation of a narrow village life,—joined to produce, in the meaner sort, qualities which were unpleasant, and sometimes repulsive.¹³

Parkman has been accused of over-indulgence in Indians as a youth.¹⁴ He stands, however, as the first historian to give them anything like their proper place in history. In commenting on the exit of the Jesuits from Canadian mission activity, he recognized that the Jesuit failure was primarily caused by the fierce and continuing antagonism of the Iroquois. If subdued, the Iroquois loyalty might have formed a backbone against English encroachment. Parkman seems to recognize, as does the frontier thesis, the influence of that traditional barrier—the Indian.¹⁵

Writing in the introduction to *Montcalm and Wolfe*, Francis Parkman notes the part already played by the frontier areas in world affairs. He speaks of the interrelation of the Seven Years' war in Europe and America. Said Voltaire, ". . . a cannon shot fired in America gave the signal that set Europe in a blaze." "Not quite," says Parkman, "It was not a cannon-shot, but a volley from the hunting pieces of a few backwoodsmen commanded by a Virginia youth, George Washington."¹⁶

The author of "the Paxton boys" was an evolutionist, or in a sense a follower of Social Darwinism; but he did not place his chief reliance on racial heredity and self-determined growth. He looked for the influence of environment. Parkman felt that it was not the self-unfolding of imported institutions, but rather the events that took place on native grounds that decided the course of American development. As a parallel, we can see in the frontier hypothesis

¹² Parkman, *Conspiracy of Pontiac*, II, 91.

¹³ Parkman, *Montcalm and Wolfe*, I, 28-29.

¹⁴ Mason Wade, *Francis Parkman, Heroic Historian*, New York, 1942, 16.

¹⁵ Parkman, *Jesuits of North America*, Boston, 1914, 551-552.

¹⁶ Parkman, *Montcalm and Wolfe*, I, 5.

that Turner felt evolution in social America had been a repeated return to primitive conditions on a continually receding frontier line.

Let us consider some of what Turner records as the chief frontier traits which set it apart and contributed to the national heritage. He says:

The West, wherever found at different years thought of itself and of the nation in different ways from those of the East. It needed capital and was a creditor section . . . Living under conditions where the family was the self sufficing economic unit, where the complications of more densely settled society did not exist, without accumulated inherited wealth, the frontier regions stressed the rights of man, while the men who voiced the interests of the East stressed the rights of property.¹⁷

Turning to the memorials of "the Paxton boys" we find the same traditional, common demands mirrored. The memorial of 1764 demanded the right to share in political privileges with the older part of the colony. It protested against apportionment by which the counties of Chester, Bucks and Philadelphia, together with the city of Philadelphia, elected twenty-six delegates, while the five frontier counties had but ten.¹⁸ The frontier protested the failure of the dominant Quaker party to protect the West against the Indians. As usual, the three old counties feared the growth and power of the West. It could be inferred that the memorial's demand of payment for Indian scalps represented the traditional western attitude of making an economic gain without too much inquiry into the morality of the dollar produced.

We have traced the story of "the Paxton boys" and connected it with common elements of the frontier hypothesis. The study shows, with little doubt, that the narrative historian Francis Parkman was aware of the implication that the frontier area was a stage of society rather than a place, and he included the Paxton episode with an eye to its value as a common denominator.

It is a long step from Parkman to Turner, yet Theodore Roosevelt admitted that Parkman furnished the interest leading to Roosevelt's book *The Winning of the West*.¹⁹ Some day a scholar

¹⁷ F. J. Turner, *Significance of Sections in American History*, New York, 1932, 23-25.

¹⁸ Parkman, *Conspiracy of Pontiac*, II, 392-404. Appendix of this volume contains copies of the "Declaration" and "Remonstrance."

¹⁹ The opinion is expressed by Joe Patterson Smith in the essay on Francis Parkman in the *Jernegan Essays in American Historiography*, Chicago, 1937, 59. The letter from Roosevelt to Parkman is found in Henry D. Sedgwick's *Francis Parkman*, Boston, 1904, 259-260. Roosevelt writes on April 23, 1888: "I am engaged on a work of which the first

may trace the influence, if any, which Roosevelt's works had on Turner. If a connection can be shown, Parkman may possibly be designated as the deepest root in the family tree of frontier historians.

DEAN MOOR

University of California
Santa Barbara College

part treats the extension of our frontier westward and southwestward during the twenty odd years from 1774 to 1796. . . .

I should like to dedicate this to you. Of course I know that you would not wish your name to be connected, in even the most indirect way, with any but good work and I can only say, that I will do my best to make the work creditable. . . ."

On April 10, 1895, some seven years later Roosevelt wrote to Turner commenting on the latter's essay, *The Significance of the Frontier in American History*, saying: "I was very much struck with your pamphlet. I hope you will write a serious work on the subject." This quotation is from the Turner papers in the Harvard College Library and is excerpted from copies of the Roosevelt letters in the files of Professor Wilbur R. Jacobs of the University of California, Santa Barbara College.

Document

The Potawatomi Mission 1854

Introduction

Exactly one hundred years ago a Swiss Jesuit missionary assigned to the Mission of St. Mary, Kansas, in the Jesuit Vice-Province of Missouri, wrote a long letter to his former spiritual director in Rome at the time. The name of the missionary was Maurice Gailland and the spiritual guide was Franz Xavier Huber. The two had not seen each other for ten years, and Father Gailland could presume that Father Huber did not know much about Kansas, St. Mary's or the Potawatomi. Therefore he wrote an account of fundamental things, giving details which are generally a godsend to historians. He writes of the country as a native of Kansas, of its animals, plants, climate, the people and their savage customs, their faults and virtues, of the national political situation and the possible results of the passage of the Kansas-Nebraska Act, and last on the Potawatomi Mission itself, the Apostolic Vicar, the priests, brothers, and nuns and their labor for the salvation of Indian souls.

Father Huber kept the letter in its envelope among his papers. The address is written: Via New York et Liverpool, Monsieur l'Abbé F. X. Huber, Collège Romain, Europe, Italy, Rome. Huber was the spiritual father to the students in the German College in Rome, and when he died in this capacity in 1871 the letter wandered somehow into the archives of the famous College, where it was conserved well among the innumerable papers of the large collection called: Letters of Old Students to the College, 1818-1914. Many an archivist may have seen the letter, but none knew who Gailland was; each put it back in its alphabetic place. There it stayed. Moreover, although numerous scholars doing research on the mission and Church history of the United States have utilized documents from the various Roman archives including those of the German College no one seems to have thought of those in the "old students" collection. At least this letter of Gailland has been completely ignored. Thus, even Father Gilbert J. Garraghan in gathering materials for his history of the Jesuits has no mention of this precious letter although he collected very assiduously all he could find on Gailland.¹ It

¹ Gilbert J. Garraghan, S.J., *The Jesuits in the Middle United States*, 3 Volumes, New York, 1938.

seems fitting now both as a tribute to the pioneer missionary in Kansas and as a memorial of the stirring events transpiring a hundred years ago to publish the text of the letter and a translation.

During the period of the papal suppression of the Society of Jesus, 1773-1814, many of the Jesuits who had been previously employed in schools, parishes and missions, became diocesan clergy and continued their work especially in the Eastern States. One, John Carroll, became the first Bishop of Baltimore in 1789. In cooperation with Father Gabriel Grüber, who was General of the Jesuits in Russia where the papal edict of suppression could not be promulgated, Carroll caused the erection of the "Mission of the United States of America," in the year 1804. After the decree was promulgated in June, 1806, the Order expanded in numbers in Europe, and many new members came to the American mission field.

The Order was completely restored to its former status in 1814 and its growth and activity were remarkable. In 1823 they were invited westward to Missouri to take over the missions among the Indians. After establishing the College of St. Louis, now St. Louis University, in 1829, the mid-west Jesuits were constituted first the Mission of Missouri in 1831 and next the Vice-Province of Missouri in 1840. Among the staff of workers we find a number of Belgians and Dutchmen, most famous of whom were Fathers Peter De Smet, Christian Hoecken, and Felix Verreydt, whose activities included the whole of the Missouri Valley. Soon fathers of the Province of Upper Germany appeared, many of whom were Swiss, whose numbers increased notably after the exile of the Jesuits from Switzerland in 1847.

At first the missionaries were assigned to parochial work for Catholics in the rapidly increasing population of European origin. Yet they had a constant eye on an ultimate destiny to evangelize the pagan Indians to the west. There as the Whites moved in the Indians were compelled to leave their hunting grounds for lands farther west. The despoiled Indians were generally branded as savages, but to the missionaries they were souls to be civilized and christianized. De Smet was prominent among many missionaries who were ever drawing the attention of Europeans to these most needy peoples.

The Potawatomi had made their exodus from the Lake Michigan region in 1838 including those from Michigan, Indiana, Illinois and Wisconsin to the number of some sixteen hundred and had gone to their new reservations in Iowa and Kansas. There were

many Catholics among them, for the tribe had been cared for successively by three diocesan priests of pioneer fame, Fathers Stephen Badin, L. Deseille, and Benjamin Petit. It was the latter who shared their expulsion from the St. Joseph River mission, Michigan, and accompanied them to their new homes. This done he transferred his spiritual charge to the Dutch Jesuit missionary, Christian Hoecken.² Shortly after this there were Jesuits at both Potawatomi reservations, at Council Bluffs in far southwestern Iowa and at Sugar Creek on the Osage River in far east Kansas.

In 1846 the Government had plans to move the tribe elsewhere from both places.³ In that year the two groups agreed by treaty to sell their lands and move to a common reservation on the Kansas River between present Topeka and Manhattan, Kansas. The move was completed by 1848 and St. Mary's Mission was in the center of the new reservation. The Jesuit missionaries at Council Bluffs and at Sugar Creek were to go with the Indians. To find out their status and to get instructions from their Vice-Provincial at St. Louis, Father Hoecken sent Father Felix Verreydt to St. Louis in July, 1848.

It is at this point of the story that we meet Father Gaillard. When Verreydt arrived at St. Louis he met some of the Jesuits who had been banished from Switzerland and had made their way to the New World. Verreydt tried to obtain all of the exiles for the new mission but succeeded in getting Gaillard. The two made their way west, stopped at Sugar Creek for a visit, and arrived at St. Mary's in August, 1848.

After the treaty of 1848 the Potawatomi did not care to move to the new site, partly because they judged the area unsuitable for lack of timber, and partly through fear of the marauding Pawnee, who apparently considered their new neighbors as intruders and therefore as objects of attack and robbery. In 1847 fear of the Pawnee and Sioux forced the Potawatomi to go far south of the Kansas River where a mission was established outside the reservation. Thus, the St. Mary's mission, north of the Missouri, was begun only on September 9, 1848.⁴ In the next Spring the missionaries built their church, naming it St. Mary of the Immaculate

² Gaillard to the Conseil de la Propagation de la Foi, November 13, 1851, in *Annales de la Propagation de la Foi*, Vol. 24, Lyon, 1852, 228 f.

³ Garraghan, II, 596; the story of the various removals of the Potawatomi and their early connections with Jesuit missionaries dating back to the seventeenth century is given in Garraghan; Gaillard also knew of the work done by his predecessors with this particular tribe.

⁴ *The Dial*, St. Mary's, Kansas, II, (1891), Number 6, 85. The sources used in this magazine are here Gaillard's diary and history, described below.

Conception. From then the mission was called St. Mary's,⁵ and long after, when St. Mary's College was established the college magazine, *The Dial*, published the story of its Indian beginnings in its Volume I, 1890.

Father Gaillard's arrival in the United States in 1848 coincides with the foundation of St. Mary's. Until his death, twenty-nine years later, he spent his life aiding in the spiritual and temporal welfare of his beloved Potawatomis in Kansas. He had been born on October 27, 1815, in Baginnes, a small Alpine village of the Canton of Wallis in Switzerland. On his twenty-ninth birthday he entered the novitiate of the Society of Jesus in Estavayer, whose German name is Stäffis, where Father Aloys Goeffroy was Master of Novices for the Province of Upper Germany. Candidates for the Society from Germany, Belgium, Holland, and Switzerland had to undergo their probationary period in this house. After pronouncing his religious vows he went to the College of Fribourg for courses in Philosophy in 1836. Three years later he was sent to Estavayer to teach grammar to the boys of the college there for three years. Back to Fribourg he studied theology during the years 1842-1846. In 1845 or 1846 he was ordained priest and for awhile taught grammar in the College of Fribourg.⁶ In November, 1847, by decree of the anti-clerical government the expulsion of the Jesuits was carried out. The College and other Jesuit properties were confiscated.

The heavy blows struck at the Order in Switzerland turned out to be fortunate for the Church in America.⁷ The Provincial of the Province of Upper Germany found hospitality for his exiled subjects, among them Gaillard, in a Jesuit house in Oleggio near Novara in northern Italy. In 1848 with the Liberal revolutions brewing the position of the Jesuits became daily more precarious and some had already been sent to Austria. Over a score of years the provincials of Europe had been receiving requests for Jesuits from bishops in New Orleans, Kentucky, Missouri, Indiana, New York and Maryland. The opportunity to respond to the invitations was now at hand, consequently, a group of fourteen Jesuits was destined for New Orleans and another group of ten for Missouri. With the latter went Father Gaillard. Both groups made their way through

⁵ *Ibid.*, II, Number 8, 138.

⁶ This brief biographical data is gathered from the Catalogues of the Jesuit Province of Upper Germany in the Jesuit Archives, Rome.

⁷ For the history of the Swiss Jesuit houses see Otto Plülf, S.J., *Anfänge der deutschen Provinz der neu erstandenen Gesellschaft Jesu und ihr Wirken in der Schweiz 1805-1847*, Freiburg i. Br., 1922, 490.

Savoy to France then to Marseille, where they weighed anchor for America in the beginning of March, 1848.⁸

Hoecken's "position of influence in the missionary activities centering around St. Mary's was destined to be filled by Gaillard."⁹ At thirty-three years of age he was mature in the missionary spirit, completely given over to the vocation of caring for the Potawatomi, anticipating their needs, belligerent for their rights. In what became soon after his arrival the geographical center of the United States he gave himself selflessly to the civilization to the Red Man. Two apt quotations summarize his life:

He was a link between the old order of things and the new. He entertained the gold hunters passing on to California in 1849. He witnessed the stirring scenes at the birth of Kansas State, the burning of Lawrence and the border warfare. He saw the first towns rising up around St. Mary's in 1855 and beheld the first train move out on the Union Pacific in 1866. He was a spectator, from 1853 to 1858, of the repeated offers of the Government to divide and purchase the reservation. He saw the lands divided, and his poor Indians departing, and the white settlers rushing in to occupy the Garden of the West. He passed through the perils of cholera, small pox, famine and war many times over, endearing himself to the whites as well as the red men, by his heroic charity, sanctity and learning.¹⁰

Among all the Fathers at the mission, Father Maurice Gaillard was held in particular veneration. He labored for the longest time at the mission and knew the language of the natives best. He was a man of heroic virtues, of remarkable self-sacrifice. At all times he attended to the wants of the Indians. Praying, silent, recollected in God, with gladness he approached every danger or trouble.¹¹

After six years as a Territory, Kansas was admitted to statehood on June 29, 1861. The Civil War interrupted briefly what was inevitable in the ways of the White man, the removal of the Potawatomi father south beyond the Kansas border into the open spaces of Oklahoma. By treaties in 1861 and 1867 the Indian reservation lands no longer were tribal property but the Indians were established as individual owners. As such they could do with their acres what they wished. Consequently, many sold their heritage for a mess of pottage, a horse, a wagon, a few hundred dollars. The Indians departed and scattered, until in 1876, a year before his death, Gaillard estimated that not more than six hundred remained on the old reservation lands. The land sharks had profited enor-

⁸ *Ibid.*

⁹ Garraghan, II, 631.

¹⁰ *The Dial*, I, Number 1, 7.

¹¹ *Ibid.*, I, Number 2, 6, and II, Number 6, 85.

mously and St. Mary's mission had practically passed away.¹² Gaillard, still father to the Indians, had for years been caring for the incoming white settlers.

In the winter of 1871-1872 Gaillard set out on a twenty-three mile trip to answer a call from a sick Indian. A short distance from the mission he broke through the ice of a river but continued on in frozen clothes, stayed overnight in the Indian's hut, and returned after twenty-four hours. The cold and exertion brought on a mild paralysis. He was handicapped somewhat for the rest of his days, but continued with his parish and Indian work. In June, 1877, he was summoned on a similar call to a place near Topeka. This time he took the train. Next morning a telegram notified St. Mary's that he had been stricken again. Brought back to the mission he lingered until August 12, 1877, when he died, clear of mind and peaceful of soul.¹³

Gaillard's writings are bequests to history and are, according to Garraghan, capital sources for the study of the Potawatomi.¹⁴ He was the chronicler of the tribe. His diaries, letters, relations, historical sketches, and his "History of St. Mary's Mission," are excellent for their details. Some of his letters have been published in the *Annales de la Propagation de la Foi*, *The Catholic Mirror*, and in *Woodstock Letters*, while Garraghan has included six more in his work. The letters published in the *Annales*, dated November 13, 1851, and November 6, 1852, were addressed to "Messieurs les Membres des Conseile centraux de la Propagation de la Foi de Lyon et de Paris," and appeared in Volumes 24 (1852) and 25 (1853) of that periodical. These are respectively an historical sketch of the Potawatomi prior to their arrival in Kansas and shortly after the Jesuits took charge of them, and a description of methods being used to civilize and domesticate the Indians. The letters in *The Catholic Mirror* are translated into English; one of October 1, 1850, is addressed to Father De Smet, and the other of December 1,

¹² See Gaillard's report in Garraghan, III, 61-62.

¹³ Garraghan, III, 64-65, has the account of Gaillard's last days, and it is based on Brother Louis DeVriendt's manuscript "Life of Father Maurice Gaillard." Garraghan, III, 8, has a picture of Gaillard; the features are strong, the lower jaw heavy and square, the mouth wide and firm, the eyes sharp and straightforward, and forehead high and fringed with a mass of curly, unparted hair.

¹⁴ Garraghan, II, 631. In the many pages Garraghan devotes to St. Mary's and the Potawatomis, he relies greatly on Gaillard and publishes at least ten of the latter's letters and other accounts, for which see II, 597-598, 602-604, 605, 610, 632-635, 641-643, 677-678, and III, 26-28, 49, 62.

1850, is to Monsignor Miège; they describe conditions and are similar in structure to the one present below.

Woodstock Letters in its Volume IV for 1875 published his "Observations on the Potawatomi Languages." Gailland was a student of the Indian tongue and of the fathers who attended the Potawatomi was the best acquainted with their language. This partly explains his great success and popularity with the tribesmen. He composed a "Dictionnaire et grammaire Pottowatomies" as well as a prayer book and catechism, which apparently were never printed. As a diarist of St. Mary's he wrote in Latin, and part of this has been published in an English translation in *The Dial of St. Mary's College*, Volume III, (1891-1892).

The external appearance of this letter may be noticed. It is written on a large sheet of paper folded so as to make four pages. The writing on one of these runs nine by eleven inches. The paper is thin, tinted blue, and is watermarked BATH in the upper left corner of what is marked page one. The fourth page was left blank for the address, and from the postmarks it is clear no envelope was used but the letter was sent according to the prevailing custom folded and sealed with lacquer, of which some traces remain. Gailland's handwriting is clear but tight, filling the page to within half an inch of the edge on the margin side.¹⁵ The three pages contain respectively forty, forty-seven, and fifty lines, averaging about thirty-five words to a line for a total of about 4,800 words. The style is chatty rather than formal as it would have been in official reports.

HUBERT JACOBS, S.J.

Collegium Germanicum
Rome

¹⁵ A specimen of Gailland's handwriting is published in Garraghan, II, 606.

Father Gaillard's Letter

S^e Marie, mission des Potêwatêmis, le 5 Juin, 1854.

Mon Révérend Père,
P.X.

Nous vous remercions bien sincèrement de l'excellente lettre, que vous avez daigné nous écrire du centre de la catholicité; nous l'avons lue, relue, et, pour ainsi dire, dévorée, tant on est avide, sur le terrain sauvage, d'avoir des nouvelles de la vieille Europe! Tout en vous adressant nos humbles remerciements, nous sommes tentés, néanmoins, de vous faire un petit reproche; c'est d'avoir fermé votre lettre trop vite. Oh! Ne craignez pas, mon Père, une longue lettre, loin de nous fatiguer, ne répondra que mieux au désir brûlant, que nous avons, d'apprendre les combats et les triomphes de la foi, dans un pays, où tant de braves soldats s'arment pour la défendre.

Eh bien! Mon Révérend Père, pour que mon exemple vous encourage à nous donner, une autre fois, de plus amples nouvelles, je veux vous dire, aujourd'hui, au long et au large tout ce que notre mission peut fournir d'intéressant et d'édifiant. Je commence par l'endroit où nous habitons. Afin de mieux vous orienter, prenez une carte des États-Unis, la plus récente que possible. Remontez des yeux le Missouri, depuis St. Louis jusqu'au Kansas, un de ses principaux affluents, remontez encore le Kansas, l'espace de 100 milles (33 lieues); là, sur les bords de cette charmante rivière, dans une vallée des plus riantes, est bâti le village de S^e Marie, le plus considérable de la nation des Potêwatêmis; c'est là que réside Mgr. Miège, dans une humble cabane, à côté de sa cathédrale indienne; c'est aussi là que demeurent vos deux enfants spirituels d'Estavayer-le-Lac.

Le R. P. Durinck, notre Supérieur, est Belge de naissance; mais il est depuis plus de 20 ans en Amérique. Nous avons avec nous 7 Fr. Coadj. un Suisse, un Allemand, un Français, un Belge, un Napolitain et deux Irlandais. Il faut, ce semble, que toutes les nations contribuent au salut des Potêwatêmis. S^e Marie est à peu près au centre de la tribu. Nous avons 4 autres Eglises, ou plutôt chapelles, à déservir; celle de N. D. de 7 Douleurs à 18 milles et celle de S. Joseph à 20 milles, au sud du Kansas; au nord de la même rivière, nous avons la chapelle du Sacré Coeur, à 25 milles plus bas que S^e M^e et une autre, à 60 milles plus haut, au fort

Riley, sur la fourche républicaine. Voilà, mon R. Père, la partie de la vigne du Seigneur, au défrichement de laquelle nous devons travailler.

Quant à Mgr. Miège, son Vicariat comprend tout le Territoire indien, à l'Est des Montagnes Rocheuses; c.à.d., tout cet immense pays, borné au Nord par les possessions britanniques; à l'Est par le Minnesota, l'Iowa, le Missouri, l'Arkansas; au Sud, par le Texas et al Nouveau Mexique; à l'Ouest, par l'Utah et l'Oregon, vaste pays, qui, d'après les derniers calculs, contient environ 303.799 lieues carrées. Or, toute cette étendue de terre est ce qu'on appelle le Territoire indien, à l'Est des Montagnes, et forme le Vicariat apostolique de Mgr. Miège.

Ce pays, n'étant pas sous la loi des États-Unis est habité par une multitude de Tribus sauvages, indépendantes les unes des autres; ne reconnaissant d'autres lois que leurs caprices bizarres, et vivant dans ce bel état de nature, auquel certains philosophes voudraient ramener l'univers, si l'univers était assez sot pour accepter les oracles de leurs rêveries philosophiques. Aux yeux de l'humanité, mais, surtout, aux yeux de la foi, rien de plus digne de pitié, que le sort de ces peuples infortunés. Quel chaos de misères de toute espèce que la vie du sauvage! Quel affreux mélange d'ignorance et de corruption dans ces âmes, que les lumières de la foi n'ont jamais éclairés de leurs divins rayons, et que la Civilisation semble rougir de recevoir dans son sein! Quelle honteuse dégradation de la nature humaine! Là, le vol est en honneur, et celui qui pratique le brigandage avec le plus d'adresse, passe pour le plus brave de la nation. L'assassinat est une peccadille, qui s'efface par un petit présent. L'immoralité n'a pas de voiles et l'innocence ne peut faire un pas hors de sa cabane, sans devenir la victime de la plus adjecte brutalité. Là, l'ivrognerie est générale parmi les femmes aussi bien que parmi les hommes, et n'est jamais abandonnée de ses horribles satellites, le meurtre et l'adultère. Où trouver la fidélité conjugale, les liens sacrés de la famille, les ressources et le bonheur de la vie sociale? A qui vous adresser, pour forcer l'injustice à respecter vos droits? Où rencontrer un coeur compatissant, pour vous secourir dans vos infirmités? On a l'art d'ignorer jusqu'au premiers éléments de la miséricorde et de la pudeur; par ex., si la mort prive une femme de son mari, les parents du défunt viendront enlever à cette malheureuse absolument tout ce qu'elle possède, jusqu'à ses propres enfants; et, à moins qu'elle ne se rachète, elle devient elle-même leur propriété, leur esclave.

Le même sort attend le mari, s'il perd sa femme. Quoi de plus révoltant, que de voir un homme épouser, en même temps, toutes les filles de mêmes parents, comme cela se pratique chez les Kans et les Osages, nos voisins? Le poète avait bien raison de s'écrier: qu'à bon droit, Libertins, vous êtes, méprisables; lorsque, dans les forêts, vous cherchez vos semblables! Le tableau de tant de misères navre le coeur du missionnaire, qui sait que toutes ces âmes sont rachetées par le sang de J.C., et que des milliers d'entre elles n'attendent que la visite d'un prêtre charitable, pour entrer dans la voie du salut. Le R. P. de Smet nous écrit de St. Louis, que les Tribus, les plus voisines des Montagnes, ne cessent de le conjurer de leur envoyer des Robe-noires, pour leur apprendre à prier.

L'hiver passé, nous avons eu, à S^e Marie, la visite de 24 guerriers de la nation des Pônis, habituellement éloignés de nous de 300 milles. C'est une nation tout-à-fait sauvage, qui fut en guerre avec les Potêwatémis, pendant les 3 premières années, que nous séjournâmes sur les rives du Kansas. Dans les commencements, le seul nom de Pôni, jettait la terreur parmi nos Indiens, ce qui fut la cause, que presque la moitié de nos catholiques, s'obstinèrent à ne pas venir habiter S^e Marie. Il y a 3 ans, les 2 nations ont fumé la paix, et le secours, que nos gens ont prêté aux Pônis, l'Été dernière, lorsque ceux-ci furent assaillis par les Comanches et les Sioux, acheva de cimenter entre eux la paix et al concorde. Ces guerriers sont restés 10 jours à S^e Marie, ils ont reçu de nos Indiens toute sorte de présents; ils ont visité l'église et les écoles, et leur chef me fit signe, qu'il aurait désiré que nous fissions chez les Pônis, ce que nous faisons chez les Potêwatémis. Ils partirent, laissant 2 ou 3 jeunes gens, pour apprendre le Potêwatémis; l'un d'eux fréquente notre école. Jusqu'ici, les sujets et les ressources pécuniaires ont totalement manqué, pour évangéliser tant de peuplades différentes. Nous n'avons encore que deux missions, l'une chez les Potêwatémis, et l'autre chez les Osages. La distance des lieux et la différence complète des idiômes, ne permettent guère au même missionnaire de soigner plus d'une Tribu. Prions Dieu, Mon R. Père, pour qu'il envoie bientôt de dignes laboureurs, dans toutes les parties de sa vigne non encore défrichée, et que chacune de ces nations sauvages ait le bonheur d'avoir un Robe-noire, et d'entendre en sa propre langue l'explication de nos divins mystères.

Peut-être le jour n'est-il pas éloigné, où la Providence va faire éclater ses desseins de miséricorde en faveur de ces peuples infortunés, et ce sera le Gouvernement des États-Unis, qui servira

d'instrument à l'exécution des divins conseils. Désormais, les voies de communication seront facilitées, et les missionnaires pourront pénétrer plus aisément au milieu de tant de nations infidèles, qui, bientôt peut-être, seront forcés d'accepter la loi des États-Unis et de vivre avec les Blancs. Ce qu'il y a de certain, c'est que la condition de tous ces Indiens sera bientôt totalement changée. Le Gouvernement, fondé par l'illustre Washington, marche vers son agrandissement avec la rapidité de l'aigle; il achète des royaumes, au lieu de les conquérir par les armes, comme font les autres nations; chaque année il s'enrichit d'un nouveau Territoire, équivalant à un empire, qu'il achète des Indigènes, à un prix modique, comparativement à ses trésors, qui débordent. Ainsi, ce sont formés successivement, depuis peu d'années, les États du Michigan, du Missouri, de l'Arkansas, de l'Indiana, des Illinois, du Wisconsin, de l'Iowa, et les Territoires unis du Minnesota, de l'Utah, de l'Oregon, de Washington. Actuellement, ses possessions vont de l'Océan Atlantique à l'Océan Pacifique, et lui ouvrent les portes du commerce avec toutes les parties du monde. Le Territoire Indien, dont je viens, plus haut, de tracer les limites, placé au centre de l'Union, embarrasse les opérations du Gouvernement général, coupe les voies de communication des États de l'Est avec ceux de l'Ouest. Il faut à toute force que cet obstacle disparaisse, et que les chemins de fer traversent le continent américain de l'Atlantique au Pacifique.

Dans ce but, on a proposé, cette année-ci, au Congrès un bill (projet de loi), ayant pour objet, de traiter avec toutes les Tribus indiennes, pour l'achat de leurs terres, et pour l'organisation de deux Territoires *unis* sur le Territoire indien, savoir, les Territoires de Kansas et de Nebraska. Vous n'ignorez pas qu'un Territoire uni est le commencement d'un État. Des qu'un Territoire uni est organisé, on y nomme un Gouverneur; on soumet à la loi de l'Union tous les habitants du Territoire; on vend successivement les terres au premier venu, jusqu'à ce que les ressources et le nombre des habitants permettent d'élever le Territoire au rang d'État. Le bill, dont je viens de parler, a passé sans beaucoup de contradiction dans le Sénat; mais, dans la Chambre des Représentants 3 voix ont manqué, pour obtenir la majorité en faveur du bill. La question de l'esclavage est l'unique cause, qui a fait échouer le projet de loi; ou plutôt, qui en ait fait différer l'acceptation. Vous savez, que la République des États-Unis, est composée d'États libres, c.à.d., où l'esclavage est interdit; et d'États esclaves, c.à.d., où l'esclavage est légalement admis. Or, parceque, dans le bill, il était question de

laisser aux habitants respectifs des nouveaux Territoires la liberté de décider, si ce seraient des États libres ou non, les Députés des États libres ont, pour la plupart, refusé de voter le bill, s'appuyant sur cette raison, que, lors de l'admission du Missouri, ont avait solennellement juré de ne pas étendre l'esclavage à de nouveaux États. Mais, notre position précaire n'est probablement prolongée que d'une année. Il est bien certain que la question des deux Territoires de Nebraska et du Kansas, reviendra sur le tapis à la prochaine Session du Congrès; tout le monde convoite les terres où nous vivons; de toutes les parties de l'Union s'élève ce cri: anéantissez les titres des Indiens, et le Gouvernement est contraint d'employer la force, pour repousser ceux des Blancs, qui se sont déjà précipités sur les terres sauvages, en dépit de ses menaces. Ainsi, vous le voyez, mon R. P., l'avenir ne nous offre pas plus de sûreté qu'à vous; comme vous, nous voguons sur un Océan plein de tempêtes, à la merci d'une Providence, qui éprouve, mais ne délaisse jamais ses serviteurs. *Non habemus his manentem civitatem*, les uns et les autres nous pourrions bien être condamnés à voyager un peu plus que nous ne voudrions; soit, pour expier nos fautes, soit aussi, afin d'avoir plus de ressemblance avec notre divin Maître, exilé de son enfance.

Quant à ce qui nous regarde, nous missionnaires chez les sauvages, après que le Kansas et le Nebraska auront été érigés en Territoires unis, que deviendrons-nous? Si les Potêwatêmis se soumettent à la loi, nous resterons, où nous sommes à présent, mais alors que d'obstacles, que d'embarras de toute espèce! S'ils n'acceptent pas la loi, ou plutôt, si on ne veut pas qu'ils l'acceptent, nul doute qu'il ne nous faille plier la tente, et chercher une autre terre hospitalière; mais, où irons-nous? Au Nord? Au Sud? A l'Est? A l'Ouest? Dans quel désert nouveau va-t-on nous conduire? Nous sommes bien décidés à suivre nos Néophytes, partout où l'on voudra. Nous regretterions cependant S^e Marie; notre position est, on ne peut plus, avantageuse, sous bien des rapports. Veut-on un pays sain? Je ne crois pas qu'il y ait d'endroit, dans tous les États-Unis, où l'on respire un air plus pur et plus salubre. Désire-t-on un terrain fertile? Il est difficile d'en trouver de comparable à celui-ci; tout ce que l'on confie à la terre, produit réellement au centuple. Veut-on de l'encouragement pour l'industrie et le travail? Nous voici sur le chemin de la Californie et de l'Orégon, que suivent, tous les Printemps, des milliers de voyageurs; comme sur un grand marché, où l'homme actif et industriel peut vendre cher les fruits de ses

sueurs; p. ex., un pont, ouvrage d'une semaine, rapportera dans l'espace de 3 mois jusqu'à 2000 fr. Ajoutez à cela d'immenses prairies, qui permettent à chaque famille d'élever tel nombre d'animaux qu'elle veut. Je viens de demander à un Indien, que j'ai fortement réprimandé, il y a 3 ans, par ce qu'il était à peu-près toute l'année absent, ne vivant que de la chasse, combien il avait de vaches. 27 Têtes, me répondit-il; le reste allait en proportion. Il ne peut assez me remercier des bons avis que je lui ai donnés. C'est un bon catholique; aussi Dieu le bénit-il.

Enfin, les chasseurs trouvent ici de quoi satisfaire leur passion pour la chasse; les prairies, à certaines époques de l'année, fourmillent de cailles, de *kiwâniyêk* (poules errantes), de canards, d'oies, de dindes, de cygnes; plus loin, vous avez des troupeaux de chevreuils et d'élans; dans les bois, vous rencontrez presque à chaque pas l'*Espên* (espèce de blaireau) et l'*Ayêni*, aussi grand et plus gras que l'*Espên*. Le long des rivières, vous avez le *Chechkô* (rat musqué), la loutre, et l'intelligent castor, qui se bâtit des maisons de bois, cimentées avec de la boue, et cela avec tant d'art, d'ordre, de solidité, qu'on les prendrait pour l'ouvrage de l'homme. On trouve aussi une espèce d'animal, appelé *Mesékôk*, ou *Kôkwetchis*, ressemblant à un pourceau. Il vit dans les tanières. Les rivières et les lacs abondent en poissons et en tortues. A quelques journées d'ici, les plaines sont couvertes de buffles. Pour les Tribus des Montagnes, qui ne cultivent pas un arpent de terre, c'est l'unique source de vie. Nos Indiens ne vont à la chasse du buffle, qu'en petit nombre, et pour 3 ou 4 semaines, après avoir ensemencé leurs champs. Ils en reviennent, les chevaux chargés de viande séchée près du feu.

L'an passé, le plaisir de la chasse a failli se terminer en un deuil amer, par une rencontre, qu'ils ont eue avec les sauvages des Montagnes. Les Sioux et les Comanches étaient venus attaquer les Pônis, alliés des Potêwatêmis. Ceux-ci, sans délibérer, volent au secours de leurs amis, et, après un combat de 5 ou 6 heures, mirent en fuite les agresseurs, qui laissèrent sur le champ de bataille de 20 à 30 hommes, et un plus grand nombre de chevaux. Les vainqueurs ne perdirent que 8 de leurs guerriers, 7 Pônis et un Potêwatêmi; ils eurent plusieurs blessés. Les Potêwatêmis infidèles revinrent en triomphe, allèrent aux différents villages danser la chevelure, danse qui portait l'empreinte de leur barbarie primitive. Chaque guerrier étalait avec orgueil aux yeux de la Tribu ou une chevelure, ou un membre enlevé aux ennemis, tombés dans la

bataille; alors recommençait la danse, accompagnée de chants, ou plutôt de hurlements sauvages.

Je ne vous parlerai pas des lapins; ils sont si communs, qu'on n'en fait presque pas de cas. Quand il neige, un garçon en prend une 10^e en une matinée. Il y a encore ici un animal, qu'on nomme *Pchâw*, fort semblable à un chat, sinon, qu'il est plus effilé. Il ne fait pas la guerre à l'homme, il n'attaque que les petits animaux domestiques. Sur les bords du Missouri, à 100 milles d'ici, il y a des Panthères, mais en petit nombre; gare au voyageur isolé dans les bois! Au Sud, sur les bords de l'Arkansas, il n'est pas rare de voir des chat-tigres, plus dangereux, dit-on, que la Panthère. Il arrive souvent que des esclaves fugitifs, s'aventurant dans ces forêts épaisses, tombent victimes de leur férocité. Cet animal n'attaque jamais l'homme en face; il guète sa proie, comme le chat fait la souris, prend le voyageur à l'improviste, le mord au talon, et, après l'avoir terrassé le met en pièces. Parmi les oiseaux, outre ceux que j'ai nommés, il en est d'autres aux couleurs les plus saillantes, dont j'ignore les noms. J'ai vu des perroquets, tout-à-fait semblables à celui, qui criait à Belfaux: *Jocquot, pantalon*. Mais, de tous les oiseaux, que j'ai vus dans ce pays, le plus admirable, c'est sans contredit le colibri; ce n'est pas sans raison, que M^r de Buffon l'appelle le bijou de la nature. Nos Potéwatémis l'appellent: *Nōnōkā*, c.à.d., oiseau, qui suce en volant, en effet, on ne le voit jamais se reposer; lors même qu'il est occupé à boire le nectar des fleurs, comme l'abeille, ses ailes sont toujours agitées et bourdonnantes. On en a conservé assez long-temps dans des cages; mais il faut les nourrir avec du miel. Ils ont leurs nids collés à des feuilles d'arbres. A côté de ses beautés, la nature présente aussi ses horreurs; cette contrée fourmille de serpents. Les plus dangereux, sont le serpent à sonnettes, et le *Metékenâtowê* (serpent de bois); à moins d'un prompt remède, leur poison est mortel.

Que la Providence est admirable! Les sauvages connaissent plusieurs plantes, qui sont un antidote efficace contre le venin de ces reptiles. J'en ai vu l'expérimenter plus d'une fois depuis que je suis dans ce pays. L'année dernière, un de nos Indiens, se levant pendant la nuit, et marchant, pieds nus dans sa loge, fut piqué à la plante du pied par un *Metékenâtowê*; l'effet de la douleur fut tel, qu'il se cru piqué en même temps à l'autre pied et à la gorge. A l'instant même il vomit et tombe évanoui. Aussitôt, ses compagnons de loge de lui lier fortement la jambe, pour empêcher le venin de gagner le reste du corps, et de lui appliquer le remède qu'ils

ont appris de leurs pères. Le lendemain, notre sauvage pouvait déjà marcher; mais il eu pendant quelques jours la jambe noire et enflée. Je ne connais que deux de ces plantes; l'une, que l'on nomme la racine noire; on se contente de la mâcher et de l'appliquer sur la morsure. Un jour, l'idée me prit d'en essayer le goût; j'eus presque à me repentir de mon imprudence; pendant une $\frac{1}{2}$ heure je fus continuellement occupé à cracher l'eau, dont ma bouche se remplissait coup sur coup, si copieuse était la salivation, qu'on aurait dit qu'elle allait me dessécher entièrement le corps. L'autre plante a de larges feuilles, d'un côté rudes, de l'autre fort tendres; on les fait bouillir dans de l'eau, dont on lave fréquemment la plaie. Les Indiens m'assurent que c'est le remède le plus efficace contre la morsure des serpents.

J'oubliais de vous parler d'une des curiosités du pays, de l'arbre à sucre. Au commencement de Février, les sauvages font une petite entaille au tronc des érables, qui sont ici de gros arbres; ils recueillent l'eau, qui en sort quelque fois avec abondance; la font bouillir dans de grandes chaudières, jusqu'à l'évaporation complète; le résidu est un sucre d'un goût exquis. Je connais certaines familles, qui, dans l'espace de 2 mois, ont fait du sucre pour la valeur, au moins, de 700 fr.—

Que vous dirai-je de nos Indiens? J'en ai parlé assez au long dans ma seconde lettre au Conseil de la Prop. de la Foi: j'espère que ma lettre aura été publiée dans les Annales. Je ne veux donc pas répéter, ce que j'en ai dit, l'année précédente; seulement, j'ajouterai que, de toutes les Tribus environnantes, celle des Potêwatémis a fait le plus de progrès vers la civilisation. Dans son habitation, dans sa manière de vivre, dans son application au travail; dans ses habitudes sociales et domestiques, le Potêwatémi se rapproche de plus en plus des Blancs. Nous comptons, parmi eux, un bon nombre de fervents catholiques, et ce qui ne nous donne pas une petite consolation, il ne se passe presque pas de semaine, sans, que nous n'ayons quelque Infidèle à instruire; j'en vais baptiser 3 cette semaine. Les Chrétiens, étant les plus nombreux, donnent actuellement le ton à la Tribu. Ils font tomber en discrédit les superstitieuses pratiques de leurs frères encore payens; ceux-ci ne peuvent venir dans notre village, sans qu'ils soient exhortés de la manière la plus éloquente à se faire Chrétiens. Il n'y a pas plus de 5 mois, un de nos Néophytes, qui va toujours à la recherche de ses frères égarés, en a amené 12, au saint baptême. Ils sont tous, grâce à ces puissantes exhortations, plein de piété et de ferveur.

Les hérétiques ont établi une mission parmi les Potêwatêmis, dans l'intention de ruiner la nôtre; mais, jusqu'ici, ils n'ont pas fait la conquête d'une seule âme. Nous avons une église dans l'endroit même, où ils ont établi leur camp; et toutes les familles du village, excepté deux qui sont payennes, ont embrassé la foi catholique. Les Dames du Sacré Coeur font beaucoup de bien par la bonne éducation, qu'elles donnent à leurs écolières. Les Métis sont ceux, qui nous donnent le plus de tablature; chez beaucoup d'entre eux l'orgueil est égal à l'ignorance; leur dépravation n'a pas de nom; ils vendraient leur âme pour une citrouille; ils ressemblent à ces mulets rétifs, qui s'obstinent à ne vouloir pas passer un ruisseau; si vous les prenez doucement par la bride, ils se cabrent; si vous les tirez par la queue, ils reculent impertinemment; si vous vous avisez de faire usage du fouet, ils vous lancent des ruades.

Je craindrais de vous ennuyer en vous parlant de la langue des Potêwatêmis. C'est une langue originale, étrangère du tout au tout aux langues d'Europe, elle n'a point d'adjectif; elle est riche, expressive, harmonieuse; elle a des mots d'une longueur extrême, comme p. ex.: *Kânikânekekênetâmekôkepênênek*, les prophètes.

Le R. P. Schulz, après avoir évangélisé les Allemands de Quincy et de Westphalie et les Français de Cahokia, dans les Illinois, est venu partager mes travaux sur le Territoire indien; il parle bon anglais; il prêche tous les 15 jours en cette langue dans l'église de S^e Marie, et, désormais ira tous les mois au fort Riley, faire des instructions aux soldats catholiques. Il a été malheureux dans sa 1^{ère} expédition, au mois de Mai, après avoir marché toute une journée, ne sachant plus le chemin, il fut contraint de passer la nuit dans une forêt; le cheval, effrayé de la solitude se sauva. Impossible à lui de le retrouver. Ayant couru longtemps dans le désert, portant son petit bagage sur les épaules, il eut le bonheur de rencontrer un Blanc, qui lui prêta son cheval, pour revenir à S^e Marie, où il arriva le lendemain épuisé de faim et de fatigue.

Vous savez que Mgr. Miège, en revenant d'Europe, a failli périr dans l'océan avec tous ses compagnons de voyage; le Hombold, à bord duquel ils se trouvaient, est venu se briser contre les côtes d'Halifax, grâce à la fourberie d'un pêcheur, qui s'est donné pour pilote au Capitaine du vaisseau. A peine eut-il le gouvernement du navire, qu'ignorant la route, il le jeta sur des rochers. Heureusement, qu'étant près du port, tous les passagers purent se réfugier dans des barques, accourues à leur secours. Pour surcroix de bonheur, les Nêtres, qui avaient emballés leurs effets dans la partie de devant

du navire, la dernière à s'enfoncer, sauvèrent tout ce qu'ils apportaient, sans éprouver la moindre perte.

Mon R. Père, voilà que j'ai tenu parole; je vous ai écrit une longue lettre sur tout ce que j'ai cru devoir vous intéresser. Je vous en conjure, priez pour nos Néophytes; priez pour les missionnaires, afin qu'ils ne s'oublient pas eux-mêmes, en voulant sauver les autres. Si vous en avez l'occasion, veuillez présenter mes humbles respects aux RR.PP. Chappuis, Geofroi, Minoux et Rothenflue, mes anciens et bien aimés Supérieurs, aux prières de qui je me recommande instamment; saluez aussi de ma part le P. Peters. Le P. Schulz vous salue très affectionnément.

Mgr. Miège vous présente ses respects, ainsi qu'aux PP. Lacroix et Franzlin. Écrivez sans délai, nous vous en prions, sur l'état de la religion et de la Compagnie dans toutes les parties de l'Europe. Aurons-nous bientôt quelque nouvelle béatification? Quand célébrerons-nous la fête de 40 Martyrs, Azevedo et Comp., etc. etc. Une longue, longue lettre de nouvelles religieuses je vous en supplie.

Votre très humble serviteur et frère en J. C.

MAUR. GAILLAND, S.J.

Translation

St. Mary, Mission of the Potawatomies
June 5, 1854

MY REVEREND FATHER,
The Peace of Christ:

We thank you very sincerely for the excellent letter that you have deigned to write from the center of Catholicity; we have read it, reread it, and devoured it, so to speak, so avid are we in this savage land to have news of old Europe!¹ All those addressed in your letter are humbly grateful to you, but we are tempted nevertheless to offer a little reproach: that is, you ended your letter too soon. Oh, do not fear, Father, that a long letter would tire us too much, and do not reply that it would be better to have a burning desire, which we have, to undertake the combats and the triumphs of the faith in a land where so many brave soldiers are armed to defend it.

Well, my Reverend Father, in order that my example may encourage you at another time to give us more ample news, I am going to tell you today at length everything our mission can furnish in the way of interest and edification. I shall begin with the place where we live. To orientate yourself better, take a map of the United States, the most recent possible. Fix your eyes on the Missouri River, from St. Louis to the Kansas River, one of its main tributaries; follow the Kansas for a distance of 100 miles (33 leagues); there, on the banks of this charming river, in a valley of many smiles, is located the village of St. Mary, the largest of the Potawatomi nation; here resides Monsignor Miège² in an humble cabin beside his Indian

Note. This translation is by Jerome V. Jacobsen. The footnotes are those of Father Jacobs.

¹ Alexander Vivier, S.J., *Nomina Patrum ac Fratrum qui Societatem, Jesu ingressi in ea supremum diem obierunt 7 Augusti 1814—7 Augusti 1894*, Paris, 1897, no. 3908. In this compilation of Jesuit names we find that Francis Xavier Huber was born in Munich in 1801, entered the Society of Jesus in 1837, and died in Rome in 1871.

² John Baptiste Miège was born September 18, 1815, at Albertville, Savoy, France. In 1836 he entered the Society of Jesus in the Province of Turin, and by 1848 had finished his theological studies and was ordained priest in Rome. In June, 1848, he departed from Antwerp on the *Providence* for the United States accompanied by forty-four other Jesuits of the Province of Upper Germany. He taught briefly at St. Louis University before making a trip through the Indian lands. In March, 1851, he was appointed Vicar Apostolic over the whole Indian Territory between the

cathedral;³ here also your two spiritual sons of d'Estavayer-le-Lac sojourn.⁴

Father Durinck, our Superior, is Belgian by birth, but he has been in America more than twenty years.⁵ There are seven coadjutor brothers with us: a Swiss, a German, a Frenchman, a Belgian, a Neapolitan, and two Irishmen.⁶ It seems that all the nations are contributing to the salvation of the Potawatomes. St. Mary is almost the very center of the tribe. We have four other churches, or chapels, to serve. These are Our Lady of the Seven Sorrows eighteen miles and St. Joseph twenty miles to the south of the Kansas. On the north of the same river we have the chapel of the Sacred Heart twenty-five miles below St. Mary⁷ and another sixty

Rocky Mountains and the Missouri-Iowa state lines, with the designation of Bishop-Elect. By order of Pope Pius IX he was consecrated Bishop in St. Louis, March 25, 1851. He chose the Mission of St. Mary's as his first residence, where he arrived on May 31, 1851; August 9, 1855, he left St. Mary's for his new see in Leavenworth, Kansas. He went to Rome in 1853 and on his return in March, 1854, suffered the shipwreck mentioned at the end of this letter. Miège resigned from his bishopric in 1874 and died at Woodstock College, Maryland, on July 21, 1884. Biographical data on him is in Vivier, 5978; Pfülf, 504 *The Dial*, III; Garraghan, II, and III, has much about his administration; Sister Mary Paul Fitzgerald, *John Baptist Miège, S.J., 1815-1854*, Volume 24 of the Publications of the United States Catholic Historical Society, New York, 1934, is the best biography.

³ This "pro-cathedral" was of logs, gave place to the stone building in 1875; *The Dial*, I, number 1, 6, and II, number 8, 138. It was the first formal church in Kansas and even in the plains area designated as the Indian Territory.

⁴ The other spiritual son was Fr. John Schultz (1816-1887), an Alsatian, who was superior of the Mission for a time and a master of the Potawatomi; he also wrote a grammar of that tongue; Garraghan, II, 678-683.

Estavayer-le Lac (Stäffis) was in west Switzerland. It was one of the houses taken by the Swiss Government during the "Sonderbundskrieg"; its history is given in Pfülf.

⁵ John Baptist Duerinck (1809-1857) as superior of St. Mary's from 1849 till 1857. In December of that year while on one of his many missionary journeys he was drowned in the Missouri River near Leavenworth when a flat-boat transporting six men upset; two others likewise drowned: Vivier, 2226; Garraghan, II, 675.

⁶ In Gaillard's "Annals of St. Mary's" as in *The Dial*, III, 138, eight lay brothers are listed, the eighth another Frenchman; according to Vivier's list, this latter number seems more correct for the year 1853-1854. These Jesuits were all-important to the mission, serving as cook, carpenter, janitor, sacristan, refectorian, farmer, tailor, infirmarian, and school director. Garraghan, II, 683 ff., singles out especially Brother Peter Karleskind who was prefect and teacher of the Indian boys for fourteen years prior to his death in 1862; Brother Sebastian Schelienger, an ex-soldier, who took care of the domestic affairs; Brother Andrew Mazzella, for twenty years infirmarian and doctor for the Indians; Brother Louis de Vriendt, music teacher, sacristan, biographer of Gaillard, who worked thirty-one years at St. Mary's.

⁷ On Soldier Creek.

miles above at Fort Riley at the Republican fork. There you have the plan of the vineyard of the Lord which we must labor to clear.

As for Monsignor Miège, his Vicariate takes in all the Indian Territory east of the Rocky Mountains, that is to say, all this immense country bordered on the north by the British possessions, on the east by Minnesota, Iowa, Missouri, and Arkansas, on the south by Texas and New Mexico, vast lands, which according to the last calculation consisted of about 303,799 square leagues. Now all this expanse of land is what they call the Indian territory, east of the Mountains, and it forms the Vicariate Apostolic of Monsignor Miège.⁸

This land is not under the law of the United States and is inhabited by a multitude of savage tribes independent of each other. They recognize no laws except their bizarre caprices, and, living in the beautiful state of nature, to which philosophers would wish to restore the universe, if the universe were so foolish as to accept the oracles of their philosophical dreams. To the eyes of humanity, but especially to the eyes of faith, nothing is more deserving of pity than the lot of these unfortunate people. What a chaos of miseries of all kinds is the life of the savage! What a hideous mixture of ignorance and corruption in these souls which the lights of the faith are never illuminating with their divine rays and which Civilization seems to be ashamed to receive in its heart! What a deep degradation of human nature! Robbery is held in honor and that one who practices brigandage with the greatest ingenuity passes for the bravest of the nation. Murder is a peccadillo, washed away by a small gift. Immorality is not disguised and innocence cannot take a step out of its cabin without becoming the victim of the basest brutality. Drunkenness is general among the women as well as among the men and it is never separated from its horrible satellites—death and adultery. Where is to be found conjugal fidelity, the sacred bonds of the family, the helps and the happiness of social life? Whom do you address to stop injustice and to respect your rights? Where can you find a compassionate heart to succor you in your infirmities? They have an art of ignoring even the first elements of pity and decency; for example, if death deprives a woman of her husband, the parents of the deceased set about taking from the unfortunate woman absolutely everything that he possessed,

⁸ This included Oklahoma, Kansas, Nebraska, North and South Dakota, Montana, Wyoming and Colorado. It was designated as an Apostolic Vicariate by Pope Pius IX, July 19, 1850.

even his own children, and to prevent her from redeeming them they make her their property, their slave. The same lot falls to the man if he loses his wife. What is more revolting than to see a man marry, at the same time, all the daughters of his own parents, as is the practice among the Kansas and the Osage, our neighbors? The poet would have good cause to cry: With good reason, Libertines, are you despicable when you seek out your kind in the forests! The picture of such misery rends the heart of the missionary who knows that all these souls are redeemed by the blood of Jesus Christ and that thousands of them do not look forward to the visit of a charitable priest to lead them along the way of salvation. Father De Smet wrote us from St. Louis that the tribes closest to the Mountains do not cease begging him to send them Black Robes to teach them to pray.⁹

During the past winter we have witnessed at St. Mary the visit of 24 warriors of the Pawnee nation living at a distance of 300 miles from us. This nation is altogether savage and was at war with the Potawatomi during the first three years we were on the Kansas rivers. In the beginning the very name Pawnee spread terror among our Indians, which is the reason why nearly half of our Catholics obstinately refused to come to live at St. Mary. In the last three years the two nations have been smoking the peace pipe,¹⁰ and the aid which our people gave to the Pawnees last spring when they were attacked by the Comanche and Sioux, served to cement peace and concord between them. These warriors are camping ten days from St. Mary and they are receiving all kinds of presents from our Indians; they visit the church and the schools, and their chief has signified to me that he would like to have us do for the Pawnees what we have done for the Potawatomis. They departed leaving two or three youngsters to learn Potawatomi; one of these attends our school. Until now the manpower and the financial resources are totally insufficient to evangelize so many different peoples. We have not more than two missions, one among the Potawatomi, the other among the Osage. The distance to the places and the complete difference in their language hardly allows the same missionary

⁹ Father Peter De Smet (1801-1873), famous in the annals of the West as a traveller, writer, peace-maker, and missionary, first visited the Potawatomi in 1838 and founded the Jesuit mission station at Council Bluff. He visited St. Mary's in October, 1851, as Gailland relates in *Annales de la Propagation de la Foi*, Tome 25, 369.

¹⁰ Peace had been made chiefly through the efforts of Gailland, according to De Vriendt, and was renewed during the hunting season of 1852; *The Dial*, III, 89-90.

to take care of more than one tribe. Pray God, my Reverend Father, to send worthy laborers soon into all parts of His vineyard not now cultivated and that each of these savage nations will have the happiness to have a Black Robe and understand in his native language the explanation of our divine mysteries.

Perhaps the day is not far when Providence is going to make clear its plans of mercy in favor of these unfortunate people, and it will be the Government of the United States that will serve as the instrument for executing the divine counsels. From now on the roads of communication will be facilitated and the missionaries will be able to penetrate more easily to the heart of so many nations who will perhaps soon be forced to accept the law of the United States and live with the Whites. This much is certain, that the condition of all these Indians will soon be totally changed. The Government founded by the illustrious Washington moves toward its completion with the speed of an eagle; it purchases realms, instead of conquering them with its armies as other nations do; each year it enriches itself with some new Territory, the equivalent of an empire, buying it from the Indians at a moderate price from an abundant treasury. Thus there were formed successively within a few years the States of Michigan, Missouri, Arkansas, Indiana, Illinois, Wisconsin, Iowa, and the Territories of Minnesota, Utah, Oregon and Washington.¹¹ Actually, its possessions go from the Atlantic to the Pacific Ocean and its ports of commerce are open to all parts of the world. The Indian territory, whose limits I have tried to trace above, located in the center of the Union, hampers the operation of the general Government, cutting the lines of communication between the States of the East and those of the West. This obstacle is bound to vanish and the railroads will traverse the American continent from the Atlantic to the Pacific. With this aim in view there is this year proposed in Congress a bill having as its object to treat with all the Indian tribes for the purchase of their lands and for the organization of two united Territories in the Indian territory, that is the Territories of Kansas and Nebraska.¹²

¹¹ The dates of statehood of each were: Michigan, 1837; Missouri, 1821; Arkansas, 1836; Indiana, 1816; Illinois, 1818; Wisconsin, 1849; Iowa, 1846; Minnesota, 1858; Utah, 1896; Oregon, 1859; Washington, 1889.

¹² Gaillard writes in his "Annals of St. Mary's": "This year, 1854, will impress a deep mark, for good or bad, on the history of this region. A Senator from Illinois, the Hon. Stephen Arnold Douglas, has introduced a bill to organize the Kansas-Nebraska Territory, west of the Missouri River; and the bill has passed Congress and became a law. The time is rife with changes of great moment; and our Reservation is already surrounded with colonists, who are daily moving in to occupy the land." Kansas entered the Union in 1861 and Nebraska in 1867.

You are not unaware that a united Territory is the beginning of a State. As soon as a united Territory is organized they name a Governor; they impose the law of the Union on all inhabitants of the Territory; they sell successively the lands to the first comer until the resources and the number of settlers permit the Territory to be elevated to the rank of a State. The bill of which I am speaking, passed without any objection in the Senate, but in the House of Representatives three votes are needed to obtain a majority in its favor. The question of slavery is the special cause preventing the project from becoming a law, or better, deferring its acceptance. You see, the Republic of the United States is composed of free States, namely, where slavery is interdict, and slave States where slavery is legally permitted. Now, because, in the bill, it was a question of allowing the respective inhabitants of the new Territories the liberty of deciding whether the States should be free States, the Representatives from the free States are, for the most part, refusing to vote for the bill, giving this as their argument that since the admission of Missouri they are solemnly bound not to extend slavery to the new States. But our precarious position will probably not be prolonged for a year. It is very certain that the question of the two Territories of Nebraska and Kansas will be brought up for debate in the approaching session of Congress; everybody covets the lands where we live; the cry goes up from all parts of the Union: destroy the titles of the Indians, and the Government is constrained to use force to drive these back from the Whites, who are already rushing on the savage lands in spite of their threats. So you can see, my Reverend Father, the future offers us no more security than it does you; like you, we voyage on an ocean full of tempests at the mercy of a Providence which tries but will not abandon its servants.¹³ "We have here no lasting city;"¹⁴ we all would perish were we condemned to travel a little more than we would not wish; so be it, to expiate our faults, so be it also to have at last more resemblance to our divine Master, exiled from His infancy.

With respect to our surroundings, we missionaries among the savages, after Kansas and Nebraska will have been made into united Territories what will become of us? If the Potawatomis submit to the law we will remain where we are now, but in that event what obstacles and trouble of every sort! If they do not accept the law, or

¹³ From these words one may surmise that Huber's letter to Gaillard painted the situation of the Church and the Jesuits in Europe with dark colors.

¹⁴ Hebrews, 13:14.

rather if the Government does not see that they accept it, no doubt this will oblige us to fold our tent and seek another hospitable land; but where will we go? North? South? East? West? To what new wilderness will it lead us? We are very set on following our neophytes wherever it is required. We will be sorry however to leave St. Mary; our position is in many respects advantageous; one cannot find a better. Does one want a healthy land? I do not believe that he will find a spot in the whole United States where he can breathe a purer or healthier air. Does one desire a fertile soil? It is difficult to find one comparable to this; anything you plant really returns a hundredfold. Does one wish encouragement for industry and work? Here come thousands of travellers following the trail to California and Oregon all spring, like a great parade, to whom an active and industrious man can sell the fruits of his sweat; for example, a bridge, the work of a week, reported an income of nearly 2,000 francs in three months. Nearby are vast prairies which allow each family to raise as many animals as it wishes. I was asking an Indian, whom I had roundly reprimanded three years ago because he had been away almost a whole year and had not gone on the hunt, how many cows he had. 27 head, he replied; the other animals were in proportion. He could not thank me enough for the good advice I had given him. He is a good Catholic; thus God blessed him.

In fact the hunters find here everything to satisfy their passion for the chase. The prairies at certain times of the year abound with quail, prairie chickens, duck, geese, turkeys, and swans; moreover you have herds of deer and elk; in the woods you encounter at nearly every step *l'espen*, a species of badger and *l'ayêni*, larger and fatter than the badgers. Along the rivers there are the Chechkō (muskrat) the otter, the intelligent beaver, who builds houses of wood, cementing them with mud, and this with such art, order, and solidity that you would think it was the work of man. You find also a kind of animal called Mesekōk or Kōkwetchis, resembling a pig. He lives in dens. The rivers and lakes are full of fish and turtles. A few days journey from here the plains are covered with buffalo. For the tribes of the mountains who do not cultivate an acre of land this is the only source of life. Our Indians do not want to go on the buffalo hunt, except a few and for 3 or 4 weeks after they have sowed their fields. On their return their horses are loaded down with meat dried by fire.

Last year the joy of the hunt missed terminating in bitter grief

through a chance meeting they had with the savages of the Mountains. The Sioux and Comanches had come to attack the Pawnees, allies of the Potawatomis. The latter without deliberating flew to the aid of their friends, and after a combat of 5 or 6 hours beheld the aggressors in flight leaving on the field of battle 20 or 30 men and a greater number of horses. The conquerors lost only 8 warriors, 7 Pawnees and one Potawatomi; there were many wounded. The infidel Potawatomis returned in triumph, going to different villages to dance the scalp, a dance that bears the mark of their primitive barbarity. Each warrior displays with pride before the eyes of the Tribe either a scalp or enemy taken in battle; then the dance begins, accompanied by chants, or rather, savage howlings.¹⁵

I should not mention the rabbits to you. They are so common that they have almost no value. When it snows a boy can take ten of them in an afternoon. There is another animal here called the Pchâw,¹⁶ very like a cat but thinner, which does not attack a man but only small domestic animals. On the banks of the Missouri 100 miles from here there are panthers in small number; look out lone traveller in the woods! To the south on the banks of the Arkansas it is not unusual to see tiger-cats, more dangerous they say than the panther. It often happens that fugitive slaves venturing into these impenetrable forests fall victims of their ferocity. This animal does not attack men from the front; he stalks his prey like a cat does a mouse, catching the traveller off guard, biting his heel and after throwing him down chewing him to pieces. Among the birds other than those I have named there are others of striking color whose names I do not know. I have seen some parakeets exactly like those sold at Belfaux: parrot, pantaloons.¹⁷ Still, of all the birds I have seen in this land the most admirable without contradiction is the humming-bird, and not without reason did M. de Buffon¹⁸ call it the jewel of nature. Our Potawatomi call it

¹⁵ The "Annals of St. Mary's" tell the same story in fewer words. The Potawatomi and Pawnee won the battle and the Sioux left the field. The Pawnee then planned a raid on the Sioux camp to steal ponies. The Potawatomi indignantly rejected the proposal. In the battle only one Potawatomi was killed but the Pawnee lost many more than seven killed or wounded. The pagan Indians enjoyed the revelries of the scalp dance, while the Christian Indians went home; *The Dial*, III, 121.

¹⁶ Weasel or mink?

¹⁷ Belfaux is a small village west of Fribourg in Switzerland. Near the village was a country villa which served as the outing place every Thursday for the boys of the College of St. Michael. Among the amenities of the villa, mentioned in Pfülf, was this parrot, or parrot shop; Pfülf, 171-172.

¹⁸ The French naturalist, Comte Georges Louis Leclerc de Buffon, 1717-1788.

Nonoka, that is, bird which sucks while flying; in fact you never see it in repose. When it is occupied drinking nectar from the flowers like a bee its wings are always agitated and humming. One can keep them a fairly long time in cages but they must be fed honey. Their bills stick to the leaves of the trees.

Alongside these beauties nature presents its horrors also. This country teems with serpents. The most dangerous are the rattle-snake and the wood viper [copperhead?] and without prompt remedy their poison is fatal. How admirable is Providence! The Indians know many plants which are efficacious antidotes to the venom of these reptiles. I have seen the experiment more than once since I have been here. Last year one of our Indians arose during the night and walked barefoot to his lodge; he was bitten on the sole of his foot by an adder; the effect of the pain was such that he stabbed himself on the bare skin of the other foot and in the neck. Instantly he vomited and fainted. Immediately his companions in the lodge bound his leg tightly to prevent the poison from spreading to the rest of his body and they applied the remedy to him that they had learned from their fathers. Next day our brave could walk again but for many days the leg was black and swollen. I do not know the names of two of these plants; one they call black root; one is content to chew it and apply it to the bite. One day I got the idea to taste it; I was soon to repent my imprudence; for an hour and a half I was continually spitting out the water which filled my mouth time after time, so copious was the saliva, so that one might say I was going to dehydrate my body completely. The other plant with large leaves, rough on one side and very soft on the other, they boil in water with which they bathe the wound frequently. The Indians assure me that this is a very potent remedy against the bite of snakes.

I forgot to tell you of one of the curiosities of the land, the sugar tree. In the beginning of February the savages make a little gash in the trunk of the maples, which are big trees here; they collect the water from this each time in abundance, then boil it in huge cauldrons until it is completely evaporated; the residue is a sugar of exquisite flavor. I know certain families who in the space of 2 months make on the sale of their sugar at least 700 francs.

What shall I tell you of our Indians? I have already spoken at length in my second letter the Council of the Propagation of the Faith and I hope my letter will be published in the *Annales*.¹⁹ I do

¹⁹ See remarks on this in the Introduction.

not wish to repeat what I said in it last year, only, I will add that of all the surrounding tribes the Potawatomi has made most progress in civilization. In his dwelling, his manner of life, his application to work, his social and domestic habits the Potawatomi approaches the Whites more and more.²⁰ We count among them a good number of fervent Catholics, and, that which gives us no small consolation, hardly a week passes without our having some new pagan to instruct; I am baptizing three this week. As the Christians are more numerous, they give a tone to the tribe. They bring into discredit the superstitious practices of their brethren still pagan; the latter cannot come to our village without being exhorted in the most eloquent manner to become Christian. Not more than five months ago one of our neophytes, who was always going in search of his misguided brothers, fetched in 12 for holy baptism. They are all, thanks to these powerful exhortations, full of piety and fervor. The heretics have established a mission among the Potawatomis with the intention of ruining ours, but until now they have not won a single soul.²¹ We have a church in the same opening where the Indians have their camp, and all families of the village, except two who are pagans, embrace the Catholic faith. The Madames of the Sacred Heart do very well for the good education they give their students.²² The half-breeds are the ones that give us the most trouble; with nearly every one of them his pride is equal to his ignorance; their depravity has no name; they would sell their souls for a pumpkin; they are like stubborn mules who balk and will not cross the stream; if you take them gently by the bridle, they rear up; if you drag them by the tail, they fall back insolently; if you make use of the whip, they will let fly with their heels.

²⁰ According to *The Dial*, III, 34, Fr. Duerinck in 1851 induced Bishop Miège to choose St. Mary's Mission as his residence for the reason that the Potawatomi were "the foremost of all the Indians under his jurisdiction, both in civilization, in purity of manners and in steadfastness in the faith."

²¹ In 1850 Gaillard had written: "A Baptist minister . . . set up a church and school in St. Joseph's village . . . ; all the Superintendent's efforts to win converts have been thus far fruitless"; *The Dial*, III, 2. A note on the history of St. Mary's says: "St. Mary's is a place where a rival school was tried three times, and met ever time with a dismal failure"; *The Dial*, I, number 1, 7.

²² The Dames du Sacré Coeur, founded in 1800 by St. Sophie Barat, and officially approved in 1826 by Pope Leo XII, had started their teaching activities in America in 1818 and eagerly went into the newly established missions of the West. In November, 1851, their school, staffed by four religious women, counted 72 girls, all boarders. "L'école des Dames du Sacré Coeur excite l'admiration de tout le monde," wrote Gaillard in *Annales de la Propagation de la Foi*, Vol. 24, 231, and Vol. 25, 369.

I fear it would be boring to you if I were to talk of the Potawatomi language. It is original, altogether foreign to the languages of Europe with never an adjective; it is rich, expressive, harmonious; it has words of extreme length, as for example Kânikânekekênetâmekôkepenênek, meaning the prophets.

Father Schultz, after having preached to the Germans of Quincy and of Westphalia and the French of Cahokia in Illinois is come to share my labor in the Indian Territory;²³ he speaks good English and he has preached all fifteen days in that language in the Church of St. Mary; and afterwards he will go for a month to Fort Riley to give instructions to the Catholic soldiers. He has been unfortunate on his first expedition in the month of May; after having walked a day's journey, not knowing the way, he was obliged to pass the night in a forest. His horse frightened by the solitude ran away and it was impossible to find him. When the father had wandered a long time in the wilderness carrying his own small baggage on his shoulders he had the good luck to meet a White who loaned him a horse to return to St. Mary, where he arrived next day exhausted by hunger and fatigue.²⁴

You know that Monsignor Miège on the return voyage from Europe almost perished in the ocean with all his companions. *The Humboldt* on board which they happened to be, came to a crash on the coast of Halifax, thanks to the deceit of a fisherman who foisted himself on the captain of the vessel as a pilot. Scarcely had he control of the ship before he ignored the course and threw it on the rocks. Happily they were near port and all the passengers were able to take refuge in the barks sent to their rescue. On the happier side our Fathers who had packed their belongings in the fore of the ship, the last to sink, saved all they brought without losing the least thing.²⁵

²³ A German colony existed at Quincy, Illinois, on the Mississippi, and at Westphalia or New Westphalia, Missouri, at the confluence of the Osage and Missouri Rivers.

²⁴ In his *Annals*, published in *The Dial*, III, 139, Gaillard corrected the description of this incident: "A Father was sent [to Fort Riley] who could speak German and French and English. But his first trip was unfortunate. The beast he rode shied at a bridge. Four farm hands came to his assistance. In vain did they pull and push and beat and coax the animal. . . . The father tied him to a tree and spent the night in the woods. While the rider was sleeping, the horse struck for liberty. The next forenoon was spent in a fruitless search for the stubborn brute. Finally the father walked home without seeing Fort Riley."

²⁵ Garraghan, III, 1, says that Miège and De Smet were the only two Jesuits on the ship; the wreck happened on December 6, 1853, and one box containing five chalices and two ostensoria was lost.

There, my Reverend Father, I have kept my word; I have written you a long letter about everything I believed would interest you. I beg you to pray for our neophytes; pray for the missionaries so that they will not forget themselves in wishing to save others. If you have occasion would you present my humble respects to the Reverend Fathers Chappuis, Geofroi, Minoux, and Rothenflue, my old and well loved superiors, to whose prayers I earnestly recommend myself; salute also for me Father Peters.²⁶ Father Schultz greets you very affectionately.

Monsignor Miège sends his regards to you and also to Fathers Lacroix and Franzlin.²⁷ Write soon, we beseech you, concerning the state of religion and of the Company of Jesus in all parts of Europe. Will there be soon any new canonizations? When will be celebrate the feast of the 40 martyrs, Azevedo and his companions, etc., etc., ? I beg you for long letter of religious news.

Your very humble servant and brother in Jesus Christ,

MAURICE GAILLAND, S.J.

²⁶ Louis Chappuis (1802-1867) had been regent as Estavayer when Gailland was there. Aloysius Geoffroy (1793-1870) was Gailland's master of novices and later his rector at St. Michael's College. Antonie Minoux (1804-1884) as Provincial of the Province of Upper Germany was ready to aid the American missions at all times and sent ten missionaries including Gailland to America in 1848; Garraghan, I, 525, omits the name of Gailland. Franz Rothenflue (1805-1869) was the most learned of the professors who taught Gailland. "Peters" was the assumed name of Father Joseph Kleutgen (1811-1883), famed for his *Ars Dicendi*, a handbook of eloquence used in Jesuit colleges until this beginning of this century, and for his *Philosophie der Vorzeit* and *Theologie der Vorzeit*; Gailland was with him at Fribourg from 1836-1839. These biographical data are from Vivier, 3268, 3613, 5986, 3565, 5694; Pfülf, 201-209, 153, 182, 221, 235, 490, 426, has longer accounts of these former associates of Gailland.

²⁷ Augustin Delacroix (1791-1873) was Rector of the German College at that time; Vivier, 4103. John Baptist Franzelin, then professor at the Roman College, was made a cardinal in 1876.

Book Reviews

Indians of the Southern Colonial Frontier. The Edmond Atkin Report and Plan of 1755. Edited with an Introduction by Wilbur R. Jacobs. University of South Carolina Press, Columbia, S. C., 1954. Pp. xxxiii, 108. Illustrated. \$5.00.

In the *Indians of the Southern Colonial Frontier* source material has been made more readily available to the historian, as well as to the specialist in Indian lore. Atkin's Report and Plan presents both a first hand account of the activities and characteristics of the various Indian tribes in the pre-revolutionary South, as well as a colonial's candid opinion of the Indian trade with a comparison of the French and English approach to this commercial enterprise.

Atkin, in his Report, reveals a definite anti-French feeling but at the same time, manages to give credit where it is due. He discusses certain aspects of the French and Indian trade which warrant attention. From this account it would appear that the French were without question better traders than their white brothers, the English. Probably the one thing which accounts primarily for the success of the *coureurs des bois* was their continuous interaction with the aborigines.

Not only did the French sell the Indians guns and other supplies, but they went a step further and serviced free of charge the equipment purchased by the natives. A service department was a necessary adjunct to a successful trading station, and the French were not slow in recognizing this fact. When an Indian found that his firearm would no longer function, he would visit the gunsmith, who after a short time would return the rifle in fine working order. The owner, who quite frequently became attached to his gun for sentimental reasons, would leave with a gladdened heart, and a higher regard for his French friend. An antecedent of the "Point Four Program" was producing favorable results!

Atkin further reported to the Board of Trade that the French distributed their gifts very discriminately. The old sachems and men of influence were usually the recipients who in turn would attempt to impress the Indian youth in favor of the Bourbon's subjects. In contrast, Atkin related how the English traders not only ignored the older Indians and catered to the youth, but also how the British had given little consideration to goodwill and the prevention of abuse on the part of the trader.

This lengthy report, about one-half of which is introductory material, includes some interesting sidelights on the habits and characteristics of the Indians that were in any way connected with South Carolina. The Choctaws, Cherokees, Catawbias, Creeks, and others all come in for their share of credit or criticism, as the case may be, and not too infrequently is there a discerning comparison of the various tribes. The specialist in Indian affairs will be made cognizant of this aspect of the Report.

In his Plan, Atkin, as an aspirant to the position of Indian superintendent, suggested that there be two districts, a Northern from Nova Scotia to Virginia, and a Southern, consisting of the Carolinas, and Georgia. One might question at this point whether Atkin purposely left Virginia in the Northern district in order to enhance his chances of appointment in the Southern, where South Carolina was in a predominant position.

Atkin also recommended in his Plan of 1755 the establishment of service repair units, the use of "Able bodied Men *Convicts*" in the western forts and trading posts, and the encouragement of miscegenation between whites and Indians. He further suggested that the Society for the Propagation of the Gospel in Foreign Parts send a missionary to each fort with the additional duty of acting as commissary and storekeeper, for which services he was to receive extra compensation. There were at this time only about six missionaries in both Carolinas and more than one preacher would have gladly welcomed this plan for increasing their subsistence income. As a result of this communication with the Board of Trade and his knowledge of Indian politics, Atkin was appointed to the position of superintendent. His successes and failures in that position make another story to be related elsewhere.

Editor Jacobs is to be complimented on his penetrating research which is the basis of this publication. His approach has been scholarly throughout the book, which is well documented and annotated. The index which covers the Report and Plan, as well as the editor's introduction is a definite asset. A bibliography at the end would have been useful. The format of the book is quite ideal with the possible exception of the type, which appears to be uncomfortably small. However, with the high cost of printing today, and the relatively high price of this book, the finished product is probably the best that could be produced under the circumstances.

CHARLES B. HIRSCH

La Sierra College, Arlington, California

The Catholic Indian Missions and Grant's Peace Policy, 1870-1884. By Reverend Peter J. Rahill. The Catholic University of America Press, Washington, 1953. Pp. xi, 396. \$4.25.

This book narrates the history of Grant's Indian peace policy and the activities of the Bureau of Catholic Indian Missions, established in 1873, in its efforts to combat the objectives of the Grant policy, which were in effect to drive the Catholics from the Indian mission field.

As many corrupt and incompetent men—"whiskey sellers, barroom loungers, debauchees"—had entered the Indian service during the Civil War years, Congress, as early as 1865, determined to "clean up" the Bureau of Indian Affairs. President Grant, in response to Quaker and Protestant promptings, in 1869 created a Board of Indian Commissioners, whose membership included philanthropic men, who were concerned with the lot of the

Indians within our borders. Reservations, at the instance of this Board, were allotted to Protestant and Quaker sects in such number that of the thirty-eight, to which Catholics had just claims, eight only were assigned to them.

Stung by this injustice, certain western bishops, unselfishly and greatly aided by General Charles Ewing, the first Director of the Catholic Bureau, urged the creation of a *bureau de liaison* in the national capitol to represent the interests of their Church there before Congress, the Secretary of the Interior, and the Commissioner of Indian Affairs. Catholic Indian Missionary Associations (bands of fifteen, whose members agreed to contribute annually one dollar each for the support of the missions) were organized and fostered by Mrs. W. T. (Ellen Ewing) Sherman in many eastern cities and contributed not a little to such successes as the Bureau at Washington and the missionaries in the field enjoyed. While these matters are justly celebrated by the author, the fact remains that both personnel and financial support for the missions in those days came principally from Europe. Accordingly, most of the historical matter for a history of these missions must also be found in Europe. Nowhere in his book does the author mention the biography of Bishop Martin Marty, O.S.B. (Einsiedeln: 1934); nor was the correspondence at Einsiedeln and in the archives of the *Oeuvre Apostolique . . .* at Paris and Lyons about Sioux missions of Marty consulted. The book then is at best a pioneering work and at worst an excursion into a field of study wherein the author's preparation was inadequate. He has attempted to do what cannot be done: to write a history of a movement, largely staffed and financed from Europe, from American archives exclusively. It simply cannot be done.

Father Rahill has, however, stigmatized the illiberal and bigoted attitude toward all things Catholic of Hayt, of Delano and of Schurz. The former said flatly that the Catholic teachers were of as much importance to the Indians "as a feather of a particular color"; while the latter, a Liberal emigrant from Germany, looked to book-learning for the regeneration and civilization of the Indians. Delano insisted that Indian agents, as federal appointees, must support the policies of the Grant administration. The Protestant ministers, those bold critics of an authoritarian Church and protagonists of the doctrine of separation of Church and State, accepted without "protest" this alliance of the Protestant Churches and the Grant administration. Justly did Archbishop Bayley repudiate such "fascist" principles in the name of liberty. In calling these matters to the attention of American historians, Father Rahill has pointed the way to a fresh study of this interesting period and has thus done a real service to historical science. The book, unfortunately, is marred by several errors of fact and by a few of typography. The Sisters' school at St. Ignatius (Montana), for example, is placed at Stevensville, eighty-five miles to the south; and Father Frederick Eberschweiler, S.J., is Fred Verschweiler, S.J., on p. 99, n.66. Surely, such mistakes could easily have been avoided.

LYLE DAVIS

Gonzaga University, Washington

Stormy Ben Butler. By Robert S. Holzman, Ph.D. The Macmillan Company, New York, 1954. Pp. xvii, 279. Illustrated. \$5.

Here you have portrayed a character among characters whose biography long needed doing. It is no small feat to have accomplished what Professor Holzman has done, that is, to write an objective history of a national figure whose very presence gave rise to violent contention and whose turbulent career has developed so many controversies. Throughout the book and its excellent last chapter, "Benjamin Butler—An Appreciation," the author holds his reader in the same mood of objectivity, hearing the evidence as a judge mostly in open-mouthed amazement at the multitude of activities of this quick-acting man, this bizarre figure who could have been an outstanding hero of the nation but for his lack of legal, moral, and political principles.

In Butler's way of thinking there were no compromises on any issue. He was immediately and unalterably for or against a program or project, always to his own advantage. Singly, the people, politicians, presidents, the press, each was likewise for or against General Butler. His will to quarrel generated strife first in Massachusetts, then in New England, in political parties, in government circles, and even overseas with foreign countries. He fought vigorously, venomously and unscrupulously, and in every legal and political battle aligned on his side glorifiers and on the other vitupifiers. Recounting Butler's deeds and misdeeds in terse style, Professor Holzman leaves it to the reader to judge if the world would have been better without a Ben Franklin Butler, and the majority would probably wish he had not appeared on the national scene. His career, according to the *New York Post*, "has a place in history, but to the American youth it teaches the not unpleasant lesson of what should be avoided." (P. xii).

Butler was born in Deerfield, Massachusetts (not New Hampshire), November 5, 1818, and died suddenly in Washington on January 11, 1893. He was the sixth of his father's children and the third by a second wife. Within three months his father, off on a privateering or piratical trip to the West Indies, died, leaving the family in want. Moving to the industrializing Lowell, his mother opened a boarding house and tried to educate her problem child. Refused an appointment to West Point Ben nurtured a huge hatred of the place, studied law, and at twenty-two was practicing in Lowell, bent upon making money. This he did in abundance over a period of fifty-three years, winning many cases by reason of his knowledge, sharpness, and vast memory. After ten years he moved to Boston where he became more prominent, even among renowned barristers, for his ability and lack of ethics. Having the power of money he sought power in politics, running for governor of Massachusetts seven times, generally sponsoring radical and hence minority ideas.

The Civil War presented him with opportunities beyond those of the local and state politics. He craftily borrowed money to transport troops from Boston, forced himself in as head of the State Militia, moved his troops south, started the bloodshed in his capture of Baltimore, and through various connivings became astonishingly "Maj. Gen. Commanding the Dept. of Virginia" at Fort Monroe. His war deeds are almost unbelievable. Despite almost comical, or tragical, mismanagement, he took Fort Hatteras and 670

prisoners, dashed by stolen freight engine with the Assistant Secretary of Navy to the sleeping White House, and broke the news of a Navy victory to Lincoln clad in his nightshirt. From Lincoln he got leave and returned to Lowell to a hero's ovations. He then wrote to Lincoln that he had an ambition, "and I trust a laudable one, to be Major General of the United States Army. Has any body done more to deserve it?" Brazenness and politics brought him the appointment to command the military phase of the New Orleans expedition, and he added the naval to his control. The "conquest" of the city, and the welter of astounding events attending his military rule are told in dramatic chapters, which give reasons sufficient for the South's hatred of him.

Butler's hatred of the South established him high in the ranks of Radical Republicans and a leader in the move to impeach Johnson. Nowhere does Butler appear in a meaner light, nowhere is he more unattractive. He opened the case against Johnson with a four hour speech and was described as "a man whose large pudgy body seemed literally bursting out of his extraordinary swallow tail coat, exposing a broad expanse of not too immaculate linen, and whose massive bald head with its little fringe of oily curls. . . . There was power in the man's coarse, big-featured face, force and aggressiveness in every line, but his curiously ill-mated eyes with their half-closed lids, his hard mouth and small, drooping mustache, all combined to create an uncomfortable impression of cunning and insincerity, and his whole personality was unattractive." Such a man then inferred that Johnson had killed Lincoln.

The book should be read as an instruction on all that a lawyer and politician should not be. Professor Holzman finishes his work with a fine bibliography of source materials and the most recent published research on the period under consideration.

JEROME V. JACOBSEN

Loyola University

Notes and Comments

They will never, it seems, get tired of publishing laudatory and uncritical articles and books about Simón Bolívar, to say nothing of collections of his letters. Keeping Bolívar before the eyes of North Americans seems to be a promotional scheme of the business interests of Venezuela which are so closely tied in with oil interests in this country. Consequently, there is apparently an abundant budget in Venezuela for publicizing its first dictator, provided the writings about him are favorable.

The latest publicity, unless something is added before this note is printed, is a batch of letters, to Bolívar rather than from him, in two volumes. The title is *Bolívar y su Época* and the volumes are Numbers 10 and 11 of Publications of the General Secretariat of the Tenth Inter-American Conference, History Collection. The prologue to these letters of famous people to Bolívar is by the Bolivarophile, Dr. Vicente Lecuna, and the selections are presented by Manuel Pérez Vila. According to the latter there is no doubt about the purpose of the publication. "The present selection prepared with the purpose of exalting the eminent figure of Bolívar, aspires also to be a sincere homage to many illustrious personages who signed the documents contained in these pages." This expression characterizes what has been parading in the livery of scholarship with respect to Bolívar for several score of years.

This naive attempt to exalt what is assumed to be "the eminent figure of Bolívar" appears amusing when reduced to terms of logic. The argument would be: Anyone who receives letters signed by men in the public eye, must be a great man; but Bolívar received letters from many very prominent personages; therefore, Bolívar was a very great man. To prove the minor statement, here are the signatures of Andrew Jackson, Daniel O'Connell, George Canning, Henry Clay, Baron von Humboldt, San Martín, De Witt Clinton, Jeremy Bentham, and a host of contemporary Latin American revolutionaries.

What were the contents of these letters from great men to the great man? The "document" signed in the volume by General Andrew Jackson is a five line excerpt from a political speech delivered in New York in 1825 in which Jackson says that Bolívar has liberated Colombia. There are two signatures of George Canning, chosen to illustrate how much he thought of the great Bolívar. One is an ex-

cerpt from a speech in Parliament in 1825 in which Bolívar, not mentioned by name, is noted as having gone to Peru, and Canning thinks Colombia should be recognized lest the Spanish troops return and take it. The other selection is a letter of Canning to Bolívar introducing the British representative to Colombia. On the face value of the verbiage a naïve person might think Canning is commending Bolívar for not interfering in Bolivia, Brazil, and Argentina; but your diplomat would immediately read beyond the words and know that Canning was warning Bolívar to stay out of those areas of British interest. Another example of this type of misrepresentation appears in the note introducing one of the two letters of Henry Clay, then Secretary of State. Pérez Vila picks out of the official jargon Clay's expression "the genius of a great and virtuous man" as an illustration of what Clay actually thought of Bolívar. But these words are followed by others in which Clay warns Bolívar in diplomatic terms against extending his conquests, saying that he always admired the frankness of Bolívar and now in frankness he cannot help mentioning that "your enemies have attributed to Your Excellency ambitious designs, which causes me great uneasiness of mind." In other words, Clay's letter, rather than exalting the genius of Bolívar, tells him that he is falling into disfavor with the United States. Other examples of misinterpretation abound.

Many of these letters have already been published in *Memorias de General O'Leary* and some are in other collections. Since O'Leary depended for his livelihood on Bolívar as secretary and Boswell, most of the correspondence detrimental to Bolívar and his dictatorship found no place in O'Leary's files or *Memorias*. So too, in this pair of volumes only letters with nice words for the hero are selected and translated from the original English or French into Spanish. At the end of the volumes there are short biographical sketches of each of the letter writers.

The true story of Bolívar and the emancipation period in Latin America is never going to be written as long as students depend upon collections of printed materials such as this and upon such published official British and official American papers as have been constantly quoted in studies as though they are exact reproductions of the original documents. Scholars must scrutinize the originals and must be wary of what the O'Learys and other collectors, the British Foreign Office, and our Department of State publish as the whole truth and nothing but the truth.

* * * *

Why Dictators? The Causes and Forms of Tyrannical Rule Since 600 B. C., by George W. F. Hallgarten, was published by Macmillan last April (379 pages, \$5.50). The questions proposed in this work are: What conditions in a society, sociological, political, and economic, give an individual the opportunity to get all power? What are the general forms or patterns of dictatorships? What shall we do to save civilization from the existing dictators? Dr. Hallgarten brings his knowledge of history, sociology, and international politics into play for his analysis of the conditions out of which tyrants emerged in one of the four following forms: the "classical" or benevolent dictatorships; the "Ultra-revolutionary" or communist; the "Counter-revolutionary" or military; and the "Pseudo-revolutionary" or Nazi-Fascist. The discussion of examples of these fill three parts of the book, while the fourth part takes dictatorships in the present world classifying them according to the said forms. The individual dictators from 600 B. C. to Franco, Perón, Mao, Tito, Malenkov, Naguib, are not subjected to psychoanalysis but blanketed as needing it. The sociological aspects are based chiefly on Max Weber's theory of making the laws of sociology fit historical realities rather than vice-versa. Society is divided into the nobility, the money powers, and the have-nots of the city or country. To stream-line the thought, one of these three groups to maintain itself backed an individual who emerged as a dictator to rule more or less benevolently over all. Some hope emerges at present by reason of the rise of the common man, but the big danger is, of course, world dictatorship.

* * * *

To commemorate the expeditions of Commodore Matthew Calbraith Perry to Japan in 1853 and 1854 *Chicago History* (Winter, 1953-1954) carried an article by its Editor, Paul Angle, entitled "Perry Opens Japan to the World." On the front cover is a picture of the Commodore and the pages are illustrated by five pictures of phases of the expedition. For the same purpose of commemoration the *Pacific Historical Review* (August, 1954) published "Religion, Morality, and Freedom: The Ideological Background of the Perry Expedition," by William L. Neumann. The author admits that the basic objective of the Perry mission was economic, but shows from the contemporary press that there was strong opinion in favor of having American Christian missionaries do something to save the Japanese from the depraved state of beliefs and morals into which

they had sunk. Traders and whalers were glad to have some religious justification for opening the ports of Japan, and politicians were happy to offer some excuse for an invasion of the hermit empire and for the possible extension of our power to the far Pacific area. Neumann thinks that the religious groups were sincere in their belief that Japan should be civilized whether she wished it or not. To this observer the whole expedition was a typical example of the policy of end justifying means, which lured us into so much trouble from the end of the last century. In the same number of the *Pacific Historical Review*, George Beckmann shows how Japan took to the principles of the West in his "Political Crises and the Crystallization of Japanese Constitutional Thought, 1871-1881."

* * * *

A recent addition to the list of published doctoral dissertations of The Catholic University of America is *The Irish Catholic Benevolent Union*, by Sister Joan Marie Donohoe, S.N.D. The paper-bound volume of 230 pages is an endeavor to determine the influence of the said Union, "the first national organization of English-speaking laymen in the United States," on the social and political life of American Catholics in the post-Civil War period. The Union appears to have been the undertaking of a few idealists who sought to strengthen Catholic cooperation while attaining goals in the field of social welfare. Projects based on the philosophy of self-help included an insurance program, immigration plans, and a colonization scheme. None was destined to lasting success, which might have been anticipated as a logical consequence of lack of efficient leadership and internal well-coordinated operation. The Union collapsed shortly after World War I. The primary sources for the study were the published constitutions, by-laws, and proceedings of the local branches of the Union, and Catholic newspapers and periodicals. The conclusion is that the Union played no great part in national development but aided somewhat in "the emergence of the Irish into full participation in American life."

Another of the dissertations is *The Indian Policy of Portugal in the Amazon Region, 1614-1693*, by Mathias C. Kiemen, O.F.M. The purpose is not to give an account of the missions in the vast area but rather to trace the official Portuguese policy toward the Indians of the north of Brazil, where the French, Dutch and Portuguese were rivals in the exploitation of the land. This is a phase of the long struggle for the laboring hands of the Indians which took place between mis-

sionaries and exploiters during colonial times all over the Americas and ended up with the suppression of the Jesuits and the secularization of their missions and the Franciscan missions. A large part of the legislation for the Amazon area was instigated by Father Antonio Vieira who fought for the freedom of the natives against raiders, slavers, and corrupt officials.

* * * *

Wisconsin historians and the many fine local historical societies of the State, headed and inspired by the Wisconsin State Historical Society, have outdone themselves in promoting the cause of history by statewide celebrations of the centennial of the foundation of the State Library and its founder Lyman Draper. *Wisconsin Magazine of History*, Summer, 1954, has on its front cover a picture of the beautiful Library, in front of which is parked the long *Historymobile* of the State Historical Society that carried an exhibition through the State. Within the pages of this number are pictures of the exhibit and an article, "Lyman Draper, Founder of a Great Library," by G. H. Doane. The magazine is exceptionally attractive. In addition to these activities the vitality of the State Historical Society is manifested by the publication of four works, one, already well known, Dr. Hesseltine's *Pioneer Mission*, the story of Lyman Copeland Draper, another, *A Century of Banking in Wisconsin*, by Dr. Theodore A. Anderson, the third, *William Freeman Vilas, Doctrinaire Democrat*, by Horace S. Merrill, and last, *James Duane Doty: Frontier Promoter*, by Alice E. Smith.

* * * *

"Minnesota 100 Years Ago," by Francis Paul Prucha, S.J., is the leading article in the Summer, 1954, *Minnesota History*. This is a description of "The North Star State" from the narrative of Laurence Oliphant's book of a hundred years ago, *Minnesota and the Far West*. Oliphant, a noted English traveler and writer, was a sharp observer and an "enthusiastic reporter of Minnesota's potentialities."

While on this subject of Minnesota mention should be made of the James Ford Bell Room in the Library of the University of Minnesota which was dedicated and opened to the public on October 30, 1953. The room is a replica of an Elizabethan library, housing an outstanding collection of rare books pertaining to the age of discovery with special strength in materials on the exploration of Eastern

Canada and the Great Lakes region. John Parker has been named the Curator.

* * * *

Marygrove College, Detroit, published this year the product of the studies of its students on the recently canonized Pope Pius X. This work, *St. Pius X*, follows the high standards set by its annual predecessors. There are fourteen studies by undergraduate girls, each with its bibliography, while at the end of the book there is assembled an excellent collection of source materials and general works on the pontificate of the "Pope of peace." From the viewpoint of cooperative historical work in college classes this annual effort at Marygrove College tops anything we have seen.

* * * *

"Cold War Against the Yankees in the Ante-Bellum Literature of Southern Women," by Robert LeRoy Hilldrup, appeared in *The North Carolina Historical Review* last July. This indicates the remarkable number of Southern women who used their literary talents to condemn Northern Puritanism, abolitionists, money craze, discourtesy, loose morals, disrespect for the sacredness of marriage, slave labor conditions, erroneous and strange religious cults, un-Americanism, and other abuses of Black Republicanism.

* * * *

One of the more interesting contributions in *The Journal of Southern History* for May, 1954, is Douglas H. Maynard's "Plotting the Escape of the *Alabama*." James D. Bulloch of Georgia, a retired Navy officer and chief Southern naval agent in London, is given credit for designing the ship for the Laird Brothers, supervising her construction, obtaining a commander and crew, and moving it to the Azores, where the command could be shifted to the Southern officers a mile beyond the Portuguese jurisdiction. What the Northerners did about it is told by the same Mr. Maynard in *The Mississippi Valley Historical Review* of May, 1954, in the article "Union Efforts to Prevent the Escape of the *Alabama*."

* * * *

From time to time a pastor with a flair for history gathers materials of his parish and presents them in the form of a booklet, which, though local in its appeal, becomes a source book for those who write broader accounts. One such pastor is Reverend Martin

Nahstall and one such brochure is his historical sketch of St. Mary-of-the-Woods parish and schools in Whitesville, Kentucky. This was recently published as *A Souvenir* of the Golden Jubilee Celebration of the continuous teaching done there by the Sisters of Charity of Nazareth. The illustrations and data used in the sixty pages are only part of the materials for the parish which is now 110 years old.

* * * *

"The American Revolution Seen Through a Wine Glass," by Richard J. Hooker, appeared in the January, 1954, *William and Mary Quarterly*. It is very interesting to note how the tenor of the toasts changed; "loyal healths" to the king, to Pitt, and to the Parliament, became worded patriotically to "The downfall of Tyrants and Tyranny," and to "The men who will part with Life before liberty." The toast became a "most fertile instrument" of propaganda. So also did songs, according to Arthur M. Schlesinger in his "Note on Songs as Patriot Propaganda, 1765-1776," in the same number of this *Quarterly*.

* * * *

Montana Magazine of History in its Spring, 1954, number features "A Portfolio of the Art of E. S. Paxson, including Two Essays and Many Reproductions of a Much Neglected Frontier Artist." K. Ross Toole writes the essay on the artist and Michael Kennedy evaluates his art. The reproductions are in color, and with other illustrations, especially in the pages of the article on Edwin Thompson Denig, add to the beauty of the magazine and to the historical value of the papers.

* * * *

South Dakota Historical Collections and Report, Volume XXVI, 1952, appeared in late 1953. It contains: "Sanborn County History," by S. S. Judy and Will G. Robinson, illustrated, in 180 pages; "Steamboat Navigation on the Missouri River," with special reference to Yankton and vicinity, by Ralph E. Nichol, in forty pages; "The History of Fort Sully," by Steven Hoekman, in fifty pages; "The Trail of the Ancient Sioux," by W. E. Sanders, in 145 pages; "Promoters and Promotion Literature of South Dakota Territory," by William H. Russell, in twenty pages; "Digest of Reports of the Commission of Indian Affairs," by Will G. Robinson, for the last seventy pages, which is to be continued.

INDEX

MID-AMERICA

VOLUME XXXVI

INDEXER'S NOTE

Names of the contributors are in small capitals; titles of articles in this volume are in quotation marks; titles of books and periodicals reviewed or mentioned are in italics. Book reviews are entered under author and title of book, and under the name of the reviewer; no entries are made for subject of the book except in the case of biographies. The following abbreviations are used: tr., translator; ed., editor; revs., reviews; revd., reviewed.

- Abad, Diego, 165, 166, 168, 169, 174
Abolitionists, 39-53, 147-160
Adams, John, 8
Alegre, Fr. Francisco Javier, 165, 166, 168-171, 174-175
Allan County, Indiana, 190-197
Altamirano, Pedro, 119, 121
American Constitutional System, by B. C. Rodick, revd., 200
American Historical Association, 54, 58
American Pioneer Trails Association, publications noted, 208
Anti-Slavery Party, 40, 147-160
Aranda, Conde de, (Pedro Abarca de Bolea), 164
Argentina, Constitution of, 6-7, 9, 11, 12, 14, 22, 26, 27, 29, 31, 33, 35, 37, 77-80, 82, 84, 85, 89, 92, 93
Arthur, Chester A., 21
Ayer Collection, Newberry Library, 203
Baltimore Clipper, 50
Baltimore Convention, 50-53
BAYLEN, JOSEPH O., "Sandino: Death and Aftermath," 116-139
Becker, Carl, 58
Belknap, William, 79
Benton, Thomas H., 156
Blair, Francis P., 39-40, 41
Blair, Montgomery, 42
Blegen, Theodore, his *Lincoln's Imagery*, noted, 204
Bolivia, Constitution of, 8, 10, 31, 32, 37, 75, 77
Bolívar y su Epoca, noted, 254
Bolton, Herbert E., on Turner, 54-61
Bone, Homer T., 16
BOOK REVIEWS, 62-72, 140-144, 199-203, 249-253
Brazil, Constitution of, 15, 37, 78, 89
Brown, B. Gratz, 39, 42
Brownell, Herbert, 80
Brownson on Democracy, by L. Roemer, revd., 65-66
Budget, Bureau of the, 18-19, 23, 24
Budgets, in Latin America, 18-21
BURRUS, ERNEST J., "Jesuit Exiles, Precursors of Mexican Independence?" 161-175
Butler, Ruth Lapham, 203
Butz, Gaspar, 42, 49
Caballero Ramón D., 173
Cabinet, in Latin America, 24
Canada, Irish in, 194-196
Campbell, Thompson, 151
Campoy, José Rafael, 167
Carranza, Venustiano, 97-99; and Mexican Constitution, 97-115
Cass, Lewis, 152-154, 156
Castro, Agustín, 167, 172
Cavo, Andrés, 165, 167, 168, 170, 171
Census Office, Bureau of Census, 176-189
Central Frémont Club, 43, 45
Chamberlain, Lawrence H., cited, 13
Chandler, Senator Zachariah, 50
"Charcoal faction," 39
Charles III of Spain, 161, 162, 167
Chase, Salmon P., 39-41, 52
Chicago, and Anti-Slavery, 147-160
Chicago History, noted, 256
Chicago Democrat, 147-160
Chicago Tribune, 92
Chile, Constitution of, 10, 20, 31, 37, 75, 78, 79, 80
Clavigero, Francisco Javier, 163, 165, 168, 171-175
"Claybank faction," 39
Cleveland, Grover, 9, 35, 90

- "Cleveland Convention, 1864, and Radical Democrats," by WILLIAM FRANK ZORNOW, 39-53
 Cochrane, John, 45, 48-50
 Colombia, Constitution of, 14, 23, 26, 31, 32, 36, 37, 80, 93
 Comacho, Avila, 18
 Compromise of 1850, 154, 158.
 Congress, in American Republics, 3-38, 75-95
 Conroy, Hilary, *Japanese Frontier in Hawaii*, noted, 204
 Constitutions, in the Americas, 3-38, 75-95; of Mexico, 96-115
 Coolidge, Calvin, 16
 Copperhead Party, 52
 Costa Rica, Constitution of, 28, 80, 120
 Council of Economic Advisors, 23, 24

 DAVIS, LYLE, revs. Rahill, *The Catholic Indian Missions and Grant's Peace Policy*, revd., 251
 Democratic Party, to 1856, 147-160
 Department of State, and Sandino, 177-139
 Descartes, René, 173
 De Smet, Fr. Peter, 221, 225, 240
Detroit Tribune, 46, 50
Deutsche-Amerikanische Monatshefte, 42
 Díaz, Porfirio, 97, 99, 101, 105
 Dictatorship, in Mexico, 96-115
 Dill, James, 195
 Donohoe, Sr. Joan Marie, *The Irish Catholic Benevolent Union*, noted, 257
 Douglas, Stephen A., 156-159

 Ecuador, Constitution of, 31, 32, 37, 81, 93
 El Salvador, Constitution of, 31, 78, 85, 92, 94, 132, 139
 Engel, Ernst, cited, 192
 "Epic of Greater America," H. E. Bolton, cited, 55
 Estrada, Francisco, 124, 128
 Estrada, José Manuel, cited, 29

 Fabri, Manuel, 165 168, 174
 FADNER, FRANK, revs. Florinsky, *Russia: A History and an Interpretation*, 67
Federal Register, 27
 Fletcher, Robert H., his *American Adventure, Story of the Lewis and Clark Expedition*, noted, 208
 Florinsky, Michael, *Russia, A History and an Interpretation*, revd., 67

 Ford, Guy Stanton, 58
 Fox, Mary Harrita, her *Peter E. Dietz*, revd., 143
 Freemasons, 161
 Free-soil Movement, 148, 151, 153, 154
 Frémont, John C., 39-53, 160
 Fugitive Slave Law, 155

 Gadsden Purchase, 180
 Gage, Thomas, 163
 Gaillard, Fr. Maurice, 220-248
 Garraghan, Gilbert J., 220, 225
 Garrison, William L., 40, 50
 German-American Party, 39-45, 51-53
 Godoy, Juan José, 162
 Gonzales, Camillo, 134
 GOODSPEED, STEPHEN S., "Mexico: President and Constitution," 96-115
 Grant, Hiram U. S., 48-49, 52, 79, 94
 GREENWALD, WILLIAM I., "The Antebellum Population, 1830-1860," 176-190
 Guatemala, Constitution of, 8, 32, 78, 80, 92
 Guevara y Basoazábel, Andrés de, 166, 168, 173

 Hall, A. Hamer, his *Fundamentals of World Peace*, noted, 205
 Hallgarten, George W. F., *Why Dictators?* noted, 256
 Hamilton, Allan, 192, 194-195
 HAMILTON, RAPHAEL N., his *Story of Marquette University*, revd., 140
 Hanna, Matthew, 117
Harpers Weekly, 50
 Harvard University, 56, 58, 59
 Haskins, Charles Homer, 57
 Hatch, Carl A., 16
 Hayes, Rutherford B., 21
 Hervás y Panduro, Lorenzo, 169, 172, 173
 Hesseltine, William B., *Pioneer's Mission*, revd., 199-200
Hidden Threads of History: Wilson Through Roosevelt, by L. B. Wehle, revd., 63
 HIRSCH, CHARLES B., revs. Jacobs, *Indians of the Southern Colonial Frontier*, 249
 Historical Society of Montana, noted, 208
 Hoecken, Fr. Christian, 221, 222, 224
 Holzman, Robert S., *Stormy Ben Butler*, revd., 252

- Honduras, Constitution of, 14, 20, 23, 31, 78
 Hoover, Herbert, 9, 38
 Hull, Cordell, 131
 Huntington Library, 56
- Illinois, politics, 147-160
Illinois State Register, 151, 153
 Immigration, 181-182
 Impeachment, in American Republics, 75-83
 Indiana, Irish in, 190-197
 Investigation, Congressional, in the Americas, 84-95
 "Irishmen in Northern Indiana Before 1850," by ELFRIEDA LANG, 190-198
 Irish, in Indiana, Holdings of, 192-194; Education of, 197
 Iroquois Indians, 213-216
- Jackson, Andrew, 21, 156
 JACKSON, KENNETH M., revs. A. Nevins, *Statesmanship of the Civil War*, 69-72
 Jacksonian Democracy, 147-148
 JACOBS, HUBERT, "The Potawatomi Mission, 1854," 220-248
 JACOBS, WILBUR R., "'Turner as I Remember Him' by Herbert E. Bolton," 54-61; his *Indians of the Southern Colonial Frontier*, revd., 249
 JACOBSEN, JEROME V., revs. H. R. Warfel, *Letters of Noah Webster*, 201; R. S. Holzman, *Stormy Ben Butler*, 252; translates "Letter of Maurice Gailland," 237-148; ed. NOTES AND COMMENTS, 203-208, 254-258
Japanese Frontier in Hawaii, 1868-1898, noted, 204
 Jarquín, Carlos Brenes, 139
 Jefferson, Thomas, 8, 83, 86, 94
 Jesuits, in Kansas, 220-248
 "Jesuit Exiles, Precursors of Mexican Independence?" by ERNEST J. BURRUS, 161-175
 Johnson, Andrew, 35, 83
 Johnson, Nathaniel, 45
 "John Wentworth and Anti-Slavery in Chicago to 1856," by STANLEY L. JONES, 147-160
 JONES, STANLEY L., see preceding
 Juárez, Benito, 98, 105
 Judicial Review, in the Americas, 28-29
 Julian, George, 50
 Kansas, 1854, 220-248
 Kansas-Nebraska Act, 157-159, 220, 241-243
 Kiemen, Mathias C., *The Indian Policy of Portugal in the Amazon Region*, noted, 257
 KINIERY, PAUL, revs. Robert M. LaFollette, 62-63
 Know-Nothings, 159
- Landívar, Rafael, 166, 168, 175
 Land Office, Indiana, 192-194
 Lane, Arthur Bliss, 128-139
 LANG, ELFRIEDA, "Irishmen in Northern Indiana before 1850," 190-198
 Lanphier, Charles, 151
 Lara, Dr. Escolástico, 119-121, 125, 126, 133
 Las Casas, Bartolomé de, 172
 Latin American Constitutions, 3-38, 75-95, 96-115
 Leite, Fr. Serafim, *Diálogo . . . pela P. Manuel de Nóbrega*, noted, 205
 León y Gama, Antonio de, 170
 Lerena Acevedo, Arturo, cited, 84
Letters of Noah Webster, by H. R. Warfel, revd., 201
 Lewis, C., and Loomie, A. J., *Spanish Jesuit Mission in Virginia*, revd., 141
 Liberty Party, 149
 Lieber, Francis, 41
 Lietz, Paul, 203
 Linares, Segundo, V., cited, 11
 Lincoln, Abraham, 21; election of 1864, 39-53
Lincoln's Imagery, T. E. Blegen, noted, 204
 Loan, Benjamin T., 39
 Loomie, Albert J., co-author with C. Lewis
 López de Priego, Antonio, 166, 168, 173, 174
 Lovejoy, Owen, 149
 LOWERY, MARTIN J., revs., Hesselstine, *Pioneer's Mission*, 199
- McClellan, Gen. George B., 48, 52-53
McGrain v. Dougherty, 84
 Madariaga, Salvador de, cited, 161
 Madero, Francisco I., 102
 Malin, James C., his *Nebraska Question 1852-1854*, noted, 206
 Maneiro, Luis, 165, 166, 175
 Marcano y Arizmendi, F. J., 163
 Márquez, Pedro J., 166, 168, 174
 Marshall, John, 86
 Martínez, Bartolomé, 118
 Mayo, Edward L., 158

- Medill, Joseph, 42
MENEZ, JOSEPH, "Presidents and Constitutions in the Americas," Part I, 3-38; Part II, 75-95
 Messages to Congresses, in the Americas, 7-10
 Mexico, 8, 11, 13-14, 15, 17, 18, 22, 23, 26, 29, 32, 37, 80, 82, 89, 91, 94-95, 132; Constitution of, 96-115; Independence of, 161-176; Cession, 180
 "Mexico: President and Constitution," STEPHEN S. GOODSPEED, 96-115
 Miége, Bishop John B., 226, 237, 239, 247, 248
Minnesota History, noted, 258
 Minton, Sherman, 16
 Miranda, Francisco de, 163, 164
 Missouri, 43, 48; Frémont in, 39-42
Missouri Historical Review, contents noted, 208
 Mixtecan Indians, 171
 Moloney, Richard, 153, 154
 Moncada, José Maria, 116, 126, 128, 129, 132-137
MOOR, DEAN, "The Paxton Boys: Parkman's Use of the Frontier Hypothesis," 211-219
 Moss, Charles, 48, 49
Mr. Jefferson's Disciple: A Life of Justice Woodward, by F. B. Woodward, revd., 66-67
 Narváez, Manchoro, report of, 99-109
 Nathan, Adele Gutman, *Seven Brave Companions*, noted, 207
 National-Union Party, 39-53
 Nebraska Act, 157-159, 206
Nebraska Question, 1852-1854, by J. C. Malin, noted, 206
 Nevins, Allan, his *Statesmanship of the Civil War*, revd., 69-72
 Newberry Library, noted, 203-204
 New Mexico, population, 188
 New Spain, 161-176
Neue Zeit, cited, 41-42
 Nicaragua, Constitution of, 20, 23, 32, 37, 78, 79; Sandino in, 116-139
 NOTES AND COMMENTS, 203-208, 254-258
 Obregón, Alvaro, 14
 Ogden, William B., 15
 Oregon, admission of, 150, 180
OSTERLE, WILLIAM, revs. L. Roemer, *Brownson on Democracy and the Trend toward Socialism*, 65-66
Pacific Historical Review, noted, 256
 Panama, Constitution of, 7, 21, 31, 37, 92
 Panama Canal Zone, 22
 Paraguay, Constitution of, 11, 23, 92
 Pargellis, Stanley, 203
 Parkman, Francis, and Frontier Hypothesis, 211-219
 Parreño, J. J., 165, 170
 Pawnee Indians, 222, 238, 244
 Paxson, Frederick L., 58
 Paxton, Penn., 211-219
 Pellico, Silvio, 165
 Penn. Gov. Thomas, 213-214
 Pennock, J. R., cited, 25
 Pennsylvania, 211-219
 Pereira, Aquinaldo Costa, cited, 84
 Pereyra, Carlos, 162
Peter E. Dietz, Labor Priest, by M. H. Fox, revd., 143-144
 Peru, Constitution of, 10, 14, 21, 28
PHELAN, JOHN LEDDY, revs., *The Spanish Jesuit Mission in Virginia, 1570-1572*, 141-143; study noted, 204
 Philippine Studies Program, noted, 203-204
 Phillips, Wendell, 40, 47-48, 51
 Philosophical Library, publications noted, 207
 Pierce, Franklin, 156, 157
Pioneer's Mission: The Story of Lyman Copeland Draper, by W. B. Hesseltime, revd., 199-200
 Pitt, William, 164
 Plata Uricoechea, Fernando, cited, 14
 Polk, James K., 150
 Population, Irish in Indiana, 190-197; in United States, 1830-1860, 176-189; density, 186-188; immigration increase, 181-182; racial, 183-184; urbanization, 185-186
 Portocarrero, Horacio, 118, 127-128
 Potawatomi Indians, 220-248
 "Presidents and Constitutions in the Americas," by JOSEPH MENEZ, Part I, 3-38; Part II, 75-95
 Presidential Powers, in the Americas, Messages to Congress, 7-10; Legislative sessions, 10-13; Legislative recommendations, 13-18; Budgetary practices, 18-21; Administrative regulations, 21-28; Judicial review, 28-29; Veto powers, 29-38; Impeachment, 75-83; Congressional investigation, 84-95
Price Control and the Reign of Terror, France, 1793-1795, noted, 204

- Projecto de Reformas, Mexican*, 97-101
- PRUCHA, FRANCIS P., revs. F. B. Woodford, *Mr. Jefferson's Discipline*, 66-67
- Querétaro, Constitutional Convention, 98-115
- Racial Composition, table, 83, 84
- Radical Democratic Party, 50-53
- Rahill, Peter J., *Catholic Indian Missions and Grant's Peace Policy*, revd., 251
- Republican Party, 51-53
- Revue d'Histoire Ecclésiastique*, contents noted, 207-208
- Reyes Huete, A., 135-136
- Robert M. LaFollette*, revd. by PAUL KINIERY, 62-63
- Robinson, Lucius, 48
- Rodick, Burleigh Cushing, his *American Constitutional Custom, A Forgotten Factor in the Founding*, revd., 200
- Rodríguez de Velasco, Antonio, 170
- Roeder, William S., his *Dictionary of European History*, noted, 207
- Roemer, Lawrence, his *Brownson on Democracy*, revd. 65-66
- RONAN, CHARLES, revs. B. C. Rodick, *American Constitutional Custom*, 200; L. B. Wehle's *Hidden Threads of History*, 63-64; M. H. Fox's *Peter L. Dietz*, 143
- Roosevelt, Franklin D., 8, 9, 13, 17, 18, 33, 35, 94, 130
- Roosevelt, Theodore, 8, 9, 12, 16, 218-219
- Russia, A History and an Interpretation*, by Florinsky, revd., 67-68
- Sacasa, Dr. Frederico, 125
- Sacasa, Juan B., 116-139
- Salinas de Aguilar, Norberto, 120, 121, 125, 133
- Salvatierra, Sofonías, 117, 118
- "Sandino: Death and Aftermath," by JOSEPH O. BAYLEN, 116-139
- Sandino, Augusto César, 116-139
- Sandino, Don Gregorio, 128, 133
- Sandino, Socrates, 128
- Schofield, Gen. John C., 41
- Seward, William H., 52
- Seymour, Horatio, 52
- Shepherd, William F., *Price Control and the Reign of Terror*, noted, 204
- Society of Jesus, see Jesuits
- Somoza, Anastacio, 116-139
- Spanish Jesuit Mission in Virginia, 1570-1572*, *The*, revd., 141-143
- Statesmanship of the Civil War*, *The*, revd., 69-72
- St. Mary's Mission and College, Kans., 220-248
- Story of Marquette University*, *The*, revd., 140-141
- Supreme Court, 36, 91-92
- Swisher, Carl Brent, cited, 34
- Tannenbaum, Frank, cited, 89
- Taylor, Zachery, 152
- Texas, Admission of, 180; Population trend, 183, 188
- "The Ante-Bellum Population, 1830-1860," by WILLIAM I. GREENWALD, 176-190
- The Caribbean: Contemporary Trends*, noted, 205
- The Conspiracy of Pontiac*, Francis Parkman, cited, 211-219
- The Dial of St. Mary's College*, cited, 223, 226
- The Nebraska Question, 1852-1854*, by J. C. Malin, noted, 206
- "The Paxton Boys: Parkman's Use of the Frontier Hypothesis," by DEAN MOOR, 211-219
- "The Potawatomi Mission, 1854," by HUBERT JACOBS, 220-248
- Thornton, Francis B., his *Catholic Shrines in the United States and Canada*, noted, 208
- Toledano, Vicente Lombardo, 119-120, 122, 123
- Transportation, rail and water, table, 178
- Truman, Harry S., 18, 80
- Trumbull, Lyman, 50
- "'Turner as I Remember Him' by Herbert E. Bolton," WILBUR R. JACOBS, 54-61
- Turner, Frederick J., 211-219
- Union Party, 39-51
- University of Mexico, 173
- University of Wisconsin, 55, 56
- Urbanization, 185; table of, 186
- Uruguay, Constitution of, 21, 31, 35, 75, 78, 80
- Van Buren, Martin, 152, 153, 156, 158
- Vargas, Getulio, 89
- Velde, Harold, 80
- Venezuela, Constitution of, 10, 31, 76
- Verreydt, Fr. Felix, 221, 222
- Veto Powers, 29-38
- Viscardo, Juan Pablo, 162, 163, 164

- Wabash and Erie Canal, 191-193
 Wabash County, Indiana, 190-197
 Wade, Mason, quoted, 216
 War Democrats, 48, 51, 52
 Warfel, Harry R., his *Letters of Noah Webster*, revd., 201-202
 Washington, George, 7-8, 94
 Wehle, Louis B., his *Hidden Threads of History: Wilson through Roosevelt*, revd., 63-64
 Welles, Gideon, 50
 Welles, Sumner, 131
 Wentworth, John, 147-160
Westliche Post, 42
 Whig Party, to 1856, 147-160
 White, Dexter, 80
 Wilgus, A. Curtis, *Caribbean Trends*, noted, 205-206
 Williamsport, Indiana, 191
 Wilmot Proviso, 150, 155, 156
 Wilson, Edwin C., 138
 Wilson, T. Woodrow, 8, 9, 13, 38, 83
 Winthrop, Robert, 50
 Wisconsin, 55-59
 Wisconsin State Historical Society, noted, 258
 Woodford, Frank B., his *Mr. Jefferson's Disciple: A Life of Justice Woodward*, revd., 66-67
Woodstock Letters, 226
 Woodworth, James H., 158
 Zepeda, Dr. Pedro J., 134, 137-138

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